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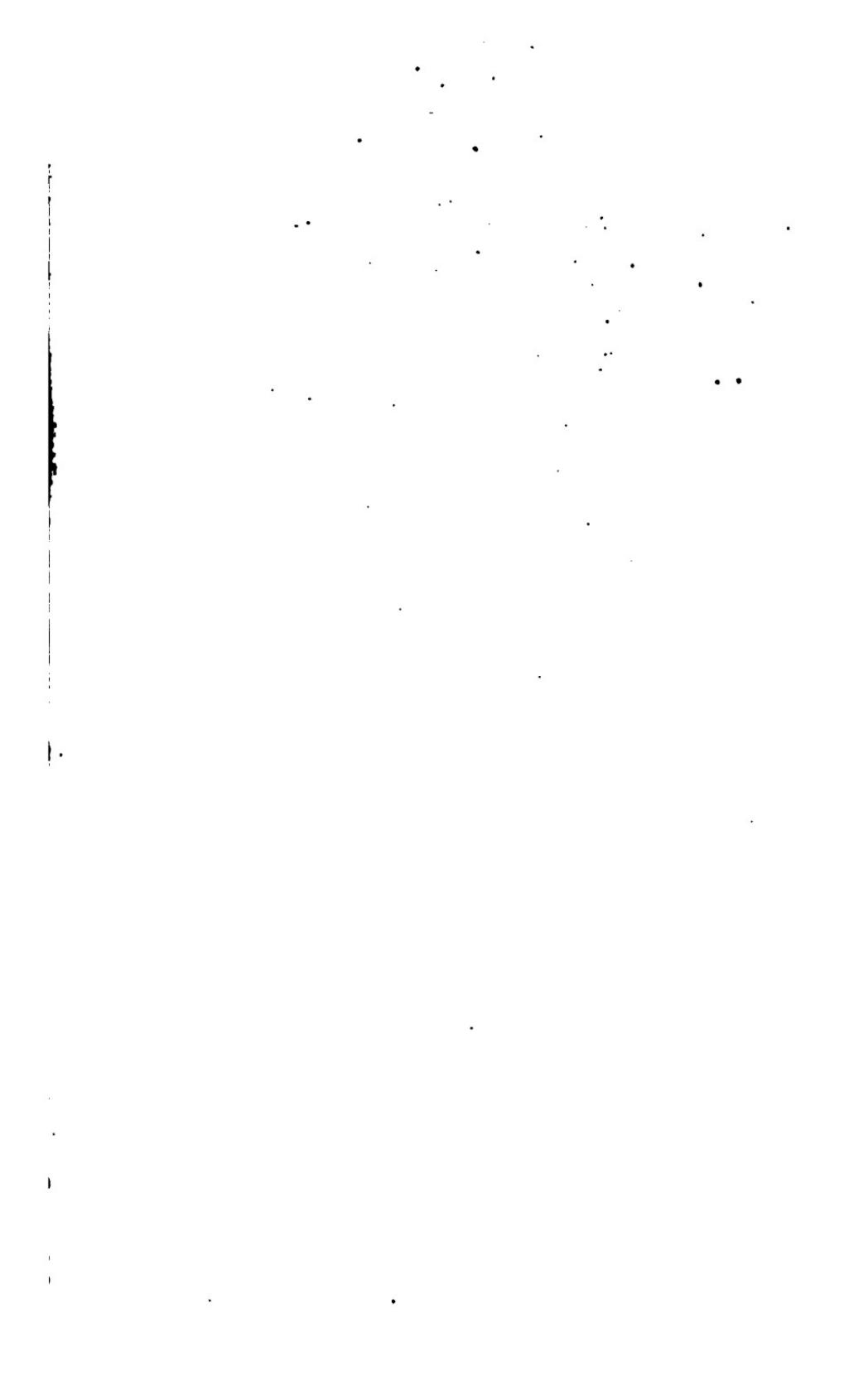
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**INSTRUCTIONS  
FOR THE GUIDANCE OF  
HER MAJESTY'S NAVAL OFFICERS,**

*&c., &c.*



# **INSTRUCTIONS**

**FOR THE GUIDANCE OF**

**HER MAJESTY'S NAVAL OFFICERS**

**EMPLOYED IN**

**THE SUPPRESSION**

**OF**

**THE SLAVE TRADE.**

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**LONDON:**

**PRINTED BY T. R. HARRISON, ST. MARTIN'S LANE.**

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**1844.**



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INSTRUCTIONS  
FOR THE  
GUIDANCE OF HER MAJESTY'S NAVAL OFFICERS  
EMPLOYED IN  
THE SUPPRESSION  
OF  
THE SLAVE TRADE.

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SECTION 1st.

*General Instructions for Commanders of Her Majesty's Ships and Vessels employed in the Suppression of the Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

1. THE Slave Trade has been denounced by all the civilized AUTHORITY world as repugnant to every principle of justice and humanity. You are, however, to bear in mind, that Great Britain claims no rights whatever with respect to foreign ships engaged in that traffic, excepting such as the Law of Nations warrants, or as she possesses by virtue of special Treaties and Conventions with particular States.

2 In proceeding to deal with a vessel suspected of being engaged in the Slave Trade, you are in the first instance to refer to that part of the Instructions which applies to the particular circumstances of the case. But those Instructions in no degree diminish the necessity of a careful study of the Treaty, Convention, or Law, upon which they are founded. You are, therefore, to make yourself thoroughly conversant with the Treaties, Conventions, and Laws, as well as with all the Instructions given to you relative to the Slave Trade; and you are to enjoin the Officers under your command to make themselves acquainted with the parts that refer to the duties which those Officers may have to perform; taking care to afford every facility for this purpose.

3. The powers with which you are invested on this service are entrusted to you for the sole purpose of suppressing the Slave Trade, and are never to be exercised without reasonable grounds of suspicion, that the case is one of a vessel liable, on account of being engaged in the Slave Trade, to be brought to justice by Her Majesty's ship under your command.

4. You are not to visit a vessel under a Foreign flag on the High Seas on suspicion of Slave Trade, except in virtue of special authority under Treaty, or in case you have reason to

believe that the vessel has no right or title to claim the protection of the flag she bears.

5. You are not on any account to search any vessel, whether British or Foreign, lying within the recognized jurisdiction of a Foreign civilized State, without the formal permission of the local Authorities.

**Demeanour  
to be observed by  
Officers  
and Men.**

6. Towards every functionary, British or Foreign, with whom you may come into contact, you will invariably maintain a respectful and courteous demeanour.

7. Towards the masters and crews of vessels whose cases it will be your duty to investigate, in the service of suppressing the Slave Trade, you will not only use moderation, and discretion, combined with firmness in the execution of the duty entrusted to you, but will take every opportunity of affording them assistance in distress; giving them medical advice when required, and furnishing supplies where they are urgently needed, and can properly be spared by Her Majesty's ships.

8. You will take special care to ensure propriety of language and demeanour on the part of Officers, seamen and marines, towards all persons with whom they may come into contact in the service of suppressing the Slave Trade; and they must be reminded that any breach of discipline, or any exhibition of intemperance, will be visited with severe punishment. And in all cases Her Majesty's Officers are to recollect, that they will be held answerable, not only for their own conduct, but for that of their men.

**Bringing  
Vessels to.**

9. You are not, without necessity, to resort to coercive measures for bringing vessels to; and you are to be cautious not to occasion further deviation from the course such vessels are steering, than a due regard to the service on which you are employed may require; and you will bear in mind that, in every case, and in all stages of the proceedings, it is highly important to cause to the vessel visited as little delay or inconvenience as possible, consistent with the effectual discharge of the duty to be executed.

**Visit and  
Search.**

10. You are not entitled to insist, that a boat shall be sent to you from a vessel which has been brought to for the purpose of being visited, or that any person shall come, or that any papers shall be brought, on board of Her Majesty's ships upon such occasion.

11. On all occasions of visiting suspected vessels, the Officer sent on board is to be in proper uniform, and of the rank required by the Treaty or Instructions under which the visit is made; and the boat in which he goes is always to carry a British flag and pendant: and he is to be provided with the documents conferring authority to Visit and Search, and the Instructions applicable to the occasion.

12. Before an Officer proceeds to search a vessel, the minutest inspection is to be made of her papers, and every information

elected which can be obtained by enquiries courteously made; as by this means the necessity of a search may be avoided.

13. The crew of a boat sent to visit a suspected vessel is never to be suffered to quit the boat unless specially ordered to do so. The Officer is not to order them to quit the boat unless it may be necessary to search the vessel, or unless circumstances of the moment imperatively require it. If further assistance is obtained from the cruiser for the purpose of making a minute search, the additional men must be accompanied by a sufficient number of Officers, to prevent damage to the cargo, or any irregularity or excess.

14. Neither the Master, nor any of the persons on board the vessel are to be removed during the search, without their consent.

15. When, after the examination, there appears to be no sufficient ground for seizure, every thing that has been removed is to be replaced as quickly as possible, and carefully restored to its original state and condition; and the vessel is to be permitted to pursue her course without delay.

16. In the case mentioned in the preceding Article, before the Officer quits the vessel, he is to ask the Master whether he has any complaint to make of the manner in which the search has been conducted, or on any other ground: if the Master should have any complaint to make, the Officer is to request him to specify the particulars in writing, for your information; and you are to investigate the same most carefully, and to lose no time in applying such remedy as circumstances admit, and the case may require.

If you make the search in person you will yourself follow the directions contained in this Article.

17. In all cases where vessels are visited or searched on suspicion of being engaged in the Slave Trade, the visiting Officer, before quitting the vessel, is to offer to enter on her log a statement of proceedings on board, and, in case the offer is accepted, he is to be careful to note down the exact time that elapsed from the time the vessel was boarded to the time she was liberated or seized.

18. When the visiting Officer has verbally reported his proceedings to you, he is, in all cases, whether the vessel be seized or not, to commit the same to writing immediately, with all the particulars, while the facts are fresh in his memory: and this written statement is to specify whether any complaint was made by the Master or any other person on board the vessel. This statement is to be inserted in the log, with the Officer's signature attached, and you will forward a copy of it with your own marks, to the Senior Officer of the station, and a duplicate thereof to the Admiralty, by the first opportunity.

19. When you have determined to detain a vessel, you will DETENTION. immediately notify your intention to her Master; you will cause a careful search to be made for all papers and documents on board; and will take possession of the same, causing them to be numbered and described in a list which you will sign. In this

List the papers voluntarily delivered up must be distinguished from any that may have been concealed. If any should have been destroyed or thrown overboard, the nature of the papers, so far as it may be known, with the circumstances under which they were made away with, must be carefully stated at the bottom of the list; and some person cognizant of the facts, must be sent with the vessel to make affidavit thereof to the Court of Adjudication.

20. On the detention of a vessel, you will have a note made of the quantity of money or other valuables on board, and sign the same, and have that note duly witnessed, to be produced upon the trial of the case; and you will take especial care that the articles are deposited in safe custody.

21. Whatever arrangement may be made for the disposal of the crew of a captured vessel, the Master and two persons at least of her crew, must be sent, together with the vessel, to be produced before the Court, as necessary witnesses in every case. And one of those persons should be the Chief Mate, Supercargo, or Boatswain.

**TAKING IN FOR ADJUDICATION.** 22. If you do not yourself accompany the detained vessel for trial, you will give the Officer in charge directions in writing, for his conduct during the voyage.

23. You will place under the command of the Officer sent in charge, a crew sufficient for the vessel's safe conduct, with provisions for the voyage; and you will give the Officer strict orders for the preservation of the ship, her cargo, and everything on board, and for the prevention of embezzlement, excess, or irregularity of any sort.

24. You will deliver to the Officer sent in charge all the papers found on board, together with the other necessary documents, and the Officer must be careful to keep them in safe custody during the voyage. You will also instruct him to endeavour to obtain, by every proper means, additional information as to the case; and if he succeeds in finding any additional papers or documents, he is to preserve them carefully to be produced at the trial.

25. The Officer in charge, as soon as possible after he has gone on board the vessel, is to draw up, with the assistance of the Master, an inventory of the stores, furniture, and also of the cargo of the vessel, so far as it can be ascertained without disturbing the stowage; and, should it be practicable, the cargo is to be secured by sealing down the hatches. The inventory is to be made out in duplicate, and signed both by the Officer in charge and the Master of the vessel; and one of these documents is to be retained by the Officer, and the other by the Master.

**SLAVES ON BOARD.**

26. If Slaves should be on board, every effort is to be made to alleviate their sufferings and improve their condition, by a careful attention to cleanliness and ventilation, by separating the sickly from those who are in good health, by encouraging the

Slaves to feel confidence in Her Majesty's Officers and men, and promoting amongst them cheerfulness and exercise.

27. The Officer in charge of a captured Slave-ship will be warranted in landing the Slaves, or transferring them to other vessels, whenever such measures are absolutely necessary, but not otherwise; and in such cases a certificate of all the circumstances must be drawn out, and be taken with the vessel to the place of adjudication.

In most cases of seizure under Treaty, this contingency is provided for: under some of the Treaties, the Slaves must be carried eventually to the Port of Adjudication. Reference on this, as on other points, must be had to the Treaty or Convention applicable to the case, and to the Instructions thereon.

28. All British subjects found employed on board a detained British or Foreign Slave-vessel are to be sent with two witnesses to a British port for trial as soon as possible.

FREE PERSONS ON  
BOARD A  
DETAINED  
VESSEL.

Foreigners on board a British Slave-vessel, or in a Foreign Slave-vessel seized in British waters, are to be dealt with in the same manner as British subjects.

Foreigners forming the crew of Foreign vessels captured under Treaty, are to be dealt with according to the stipulations thereof.

29. The Master and crew, or such part of them as may be left on board a detained Slave-vessel, are to be well treated, and not to be subjected to further restraint than may be requisite for ensuring the due execution of the service entrusted to the Officer in charge; but it will be necessary to guard against attempts at recapture, whether by open force, or any other means.

30. The Officer in charge is to keep a log of his proceedings from the time he goes on board until he is relieved from his charge; he is to note in this log any perceptible changes in the state, quantity, or position of the cargo, and all accidents to the vessel, or her rigging, and their results.

31. In all cases of capture a full and accurate account of everything captured or destroyed and of the disposal of the same is to be sent in, together with a report of the case, by the Officer in charge to the Senior Officer on the station, and a duplicate thereof to the Secretary to the Admiralty, by the earliest opportunity.

32. If a vessel, at the time of seizure, should be run on shore and wrecked, or afterwards lost or abandoned, the Slaves, the stores, cargo, &c., that can be saved and transported, are to be taken to the Port of Adjudication, together with the necessary witnesses. All papers which may be found are to be carefully preserved, and an affidavit of the facts must be made as the foundation of the proceedings before the Court for trial of the case. When there are no Slaves on board, the equipments, or such parts thereof as are saved, should be carried to the Port of Adjudication for the purpose of supplying evidence of the Slave-Trading.

**PROCEEDINGS AT THE PORT OF ADJUDICATION.**

33. On arriving at the Port of Adjudication, the Officer in charge is to make himself acquainted with the course of proceeding in the Court before which the vessel is to be tried. In all cases it will be necessary for him to make an affidavit verifying the papers brought into Court, and to annex the papers thereto. If any should have been destroyed or concealed, the particulars are to be stated in that affidavit. In cases of capture under Treaty, the Instructions thereon must be referred to for the forms of documents, and course of proceedings at the Port of Adjudication. In other cases the affidavit as to ship's papers should be drawn up in the form standing as an Appendix to this Section, unless there should be a different form prescribed by the Court before which the vessel is adjudicated.

34. If, upon any occasion of capture, there are not any papers found on board, an affidavit to that effect will be the ground of the proceedings.

35. On delivering over the vessel to the person authorized by the Court to receive her, the Officer in charge is to produce the Inventory drawn up by himself and the Master; and he is to request that a receipt may be given for all the articles contained in the Inventory, excepting of course where any deficiencies may appear; and where this is the case, he will report the cause thereof to the Court, and to his Commander, on his return to the ship.

36. The Officer sent in charge will give his best assistance in every way, where called upon, to the Court, for the due adjudication of the case of the vessel and her cargo, if any; and, upon judgment being given, will immediately report in writing to the Officer, under whom he is serving, his proceedings, and the judgment of the Court, and will send a duplicate of that report to the Admiralty, by the first opportunity.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
**SIDNEY HERBERT.**

## SECTION 2nd.

### *Instructions for Commanders of such of Her Majesty's Ships and Vessels as are stationed on the Coast of Africa.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

**LEGITIMATE COMMERCE.** 1. You are to use every endeavour to encourage legitimate commerce, and to protect all British subjects carrying on innocent traffic in the interior, or on the coast.

**INFORMA-** 2. You will take every proper opportunity of obtaining

information on the state of the several native tribes and settlements in the neighbourhood of your station; particularly as respects the Slave Trade in all its branches, and the legitimate commerce of all kinds carried on in those settlements; the connexion which exists between the legal trade and the Traffic in Slaves; the situation and number of Slave factories; the amount and description of the native produce capable of being cultivated for exportation; and the kinds of European manufactures desired by the natives: you will include in your subjects for enquiry, information on the personal character of the chiefs; the habits and pursuits of the people; the nature of the Government; the power and resources of the country: and the navigation of the coast and of the rivers, together with the facility of landing.

2. You will make a half-yearly report to the Senior Officer, in which you will communicate all the information which you may be able to collect on all the points above mentioned, as well as any other particulars likely to be useful in suppressing Slave Trade, or extending lawful commerce, and promoting friendly intercourse between the natives and British subjects.

But in the case of any matter of immediate importance coming to your knowledge, you are to report it with as little delay as possible.

4. You are not on any account to engage in any negotiation with the native chiefs, without the express authority of the Senior Officer.

5. In all intercourse with the natives, you will endeavour to conciliate their good-will by kindness and by forbearance, and will take care that Her Majesty's Officers, seamen, and marines shall uniformly pursue a similar conduct. You will impress upon the natives the earnest desire of Great Britain for the improvement of their condition, and will very clearly point out to them the distinction between the export of Slaves which Great Britain is determined to put an end to, and the system of Domestic Slavery with which she claims no right to interfere.

6. You will not, without special orders from the Senior Officer on the station, be justified in using force on shore, excepting for the purpose of rescuing British subjects, or British liberated Africans from Slavery, in cases where force is indispensably necessary for that purpose, and where it is not practicable to make reference to the Senior Officer for instructions; but you are not to adopt any coercive measures, unless you are satisfied that the force under your orders is adequate to effect the object without exposing those sent on the service to great risk and danger; and you must strictly confine the employment of force to the liberation of the persons so detained.

7. In all cases, however, vessels or boats of native Africans

TION TO BE  
COLLECTED.

INTER-  
COURSE WITH  
THE NA-  
TIVES.

BRITISH  
SUBJECTS  
IN CAPTI-  
VITY.

NATIVE

INSTRUCTIONS AS TO BRITISH VESSELS, AND

found in waters not within the recognized jurisdiction of a foreign civilized State, and actually engaged in carrying Slaves, for the export traffic, are to be stopped, and Slaves, in them intended for the traffic, are to be taken to a British colony to be liberated; but the native crews belonging to such vessels or boats are not to be subjected to any ill-treatment, and are to be permitted to proceed with their vessels or boats and other property, whither they please.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

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SECTION 3rd.

*Instructions for Commanders of Her Majesty's Ships and Vessels, with respect to British Vessels in British waters, on the high seas, and within Foreign jurisdiction, and to Foreign Vessels in British waters.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

AUTHORITY. 1. THE Act of the 5th of Geo. IV., cap. 113, and the Act of the 6th and 7th Victoria, cap. 98, are the Statutes by which you will be governed in respect to Slave Trade carried on by British vessels, or by Foreign vessels in British waters.

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OFFENCES  
AGAINST THE  
STATUTES.  
—  
Act 5 Geo. 4.  
cap. 113.

2. Sections 1 to 12, and section 43 of the 5th of Geo. IV. apply to the duties which you have to perform under that Statute; to these sections, therefore, your attention must be particularly directed.

By the 1st section all previous Statutes relating to the Slave Trade are repealed.

By the 2nd section, Slave Trade, as therein described, is prohibited.

By the 3rd and subsequent sections to the 11th inclusive, particular acts of Slave Trade and their penalties are enumerated.

To constitute the offence prohibited by the 7th section, it is not sufficient that the money, goods, or effects, of British subjects, be shipped or received on board, and afterwards employed in the Slave Trade, but to bring the act within the Statute as an offence, the person who ships, or the person who receives on board, the money, goods, or effects, must be conscious that they are to be so employed.

The term "engaged in Slave Trade," whenever used in this present Instruction, is meant to express the committing of any of the acts prohibited by the 2nd and subsequent sections to the 11th inclusive.

By the 12th section, jurisdiction is given to Vice-Admiralty Courts in cases of forfeiture and penalties under the Statute.

By the 43rd section authority is given to every Officer of Her Majesty's Navy to seize vessels and Slaves, or persons dealt with as Slaves, and goods, monies, or effects subject to forfeiture under the Statute.

3. By the Act of the 6th and 7th Vict. cap. 98, all persons held in servitude as pledges for debt, and commonly called "pawns," or by what other name called or known, are to be deemed Slaves, or persons intended to be dealt with as Slaves.

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4. These Statutes apply to acts done by British subjects everywhere; but acts done by Foreigners can only be dealt with as criminal under these Statutes, when such Foreigners are taken or found within British jurisdiction, or on board British vessels.

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5. Articles of equipment for Slave Trade, although not expressly described in these Statutes, will be *prima facie* evidence of a British vessel being engaged in Slave Trade: and the Commissioners of Her Majesty's Customs require a bond from the owners of all British vessels entering outwards with casks or vessels intended to contain palm oil, specifying that such casks or vessels are solely intended for palm oil, or for other purposes of lawful commerce; and a custom-house certificate will be given to the masters of vessels for which bonds may have been so entered into.

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6. By these Statutes, you are authorized to search any British vessel met with on the high seas, in British waters, or in waters not belonging to any recognized State, if you have reason to suspect that she is engaged in the Slave Trade contrary to the Statutes; and if the suspicion is confirmed, you are authorized to detain her.

But if such a vessel is found within the ports or territorial jurisdiction of a foreign State, she must not be seized, save by the permission of the Government of that State. Should such a case arise, it will be your duty to ask permission from the foreign Government, and in case the permission be granted, then to seize and send in the vessel as before mentioned; but if the permission be refused, then, so long as the vessel remains within such foreign jurisdiction, you must confine yourself to reporting the circumstances to the Senior Officer.

A Foreign vessel in British waters may be seized by Her Majesty's Officers for being engaged in the Slave Trade contrary to the Statutes.

EQUIPMENT  
FOR SLAVE  
TRADE.

10 VESSELS NOT ENTITLED TO THE FLAG OF ANY STATE OR NATION.

TAKING IN  
FOR ADJUDI-  
CATION.

7. When a vessel is seized under these Statutes, anywhere but in the British seas, she is to be taken to the nearest and most convenient Court of Vice-Admiralty for adjudication; and, with respect to proceedings at the Port of Adjudication, you are in such cases to be governed by the Instructions, Section 1st.

If the vessel be taken in the British Seas, you will report the capture to the Lords Commissioners of the Admiralty, and await further instructions.

CREW OF  
THE DE-  
TAINED  
VESSEL.

8. The Master, Supercargo, and crew of a British Slave-vessel, are criminals by the Law of Great Britain, and you will be responsible for their safe custody. It will be your duty to take the proper measures for delivering the whole of them over to the Civil Power, taking care to furnish also the witnesses necessary to prove the facts.

GENERAL  
OBSER-  
VATIONS.

9. Her Majesty's Officers must recollect that, while they are to use their utmost endeavours to prevent any participation in the Slave Trade by vessels subject to the Laws of Great Britain, the discretionary authority with which they are invested for this purpose must never be exercised with unnecessary severity: and that in the event of any Officer using his power in a wanton or unwarrantable manner, he will incur the serious displeasure of Her Majesty's Government, and will be liable to a prosecution by the aggrieved parties in the Civil Courts of Law; and in the event of his having detained a vessel improperly, he will be personally liable to an award of heavy damages in a Court of Vice-Admiralty.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

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SECTION 4th.

*Instructions for Commanders of Her Majesty's Ships and Vessels,  
with respect to Vessels not justly entitled to claim the protection  
of the Flag of any State or Nation.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

1. By the Statutes of the 2nd and 3rd Victoria, cap. 73, and of the 5th and 6th Victoria, cap. 114, it is enacted, that Her Majesty's Officers may, under an Order from the Lords Commissioners of the Admiralty, or from one of Her Majesty's

Secretaries of State, seize vessels engaged in Slave Trade, in cases where such vessels are not justly entitled to claim the protection of the Flag of any State or Nation: and, under the same Statutes, the High Court of Admiralty and all Courts of Vice-Admiralty are authorized to adjudicate upon vessels so seized. You will, therefore, when furnished with an Order, as aforesaid, proceed to carry the Statutes into effect accordingly.

2. You may detain vessels described in the preceding Article wherever you meet with them, except within the jurisdiction of a foreign recognized State.

3. Any proof of Slave-Trading which would justify the detention of a British vessel, will also authorize you to detain a vessel of this description; and according to the 4th section of the first-named Statute, if, in the equipment of such vessel, or on board of her, there shall be found any of the things therein enumerated, the vessel is to be seized by you and brought to adjudication.

4. When a vessel is seized by you under these Statutes, you are to send in with her a copy, verified by your signature, of the Order furnished to you to carry the Statutes into effect, and that copy is to be delivered by the Officer in charge to the Court before which the case is to be adjudicated.

5. In all proceedings with respect to the visit, search, and detention of vessels not justly entitled to claim the protection of the Flag of any State or Nation, you will follow the Instructions laid down in Section 1st.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

#### SECTION 5th.

*Instructions for Commanders of Her Majesty's Ships and Vessels, with respect to Vessels suspected of hoisting a Flag to which they are not legally entitled, in order to evade seizure by Her Majesty's Ships.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

1. WHEN you meet with a vessel in any place not within the jurisdiction of any recognized foreign State, and suspect her of fraudulently assuming a Flag to which she is not entitled, and of being engaged in the Slave Trade, you will proceed to visit her, provided there be sufficient cause to believe,—

*First.* That the vessel is British property; or  
*Secondly.* That the vessel is not justly entitled to claim the protection of the Flag of any State or Nation; or

*Thirdly.* That the vessel belongs to a foreign State with which Great Britain has concluded a Treaty for the suppression of the Slave Trade, and granting the Right of Search.

In the last case it will be necessary that the vessel should be found within the limits of search prescribed by the Treaty, and that you should be in possession of authority to search under the Treaty.

VISIT.

2. On meeting with a vessel to which these Instructions apply, you are, if the state of the wind and weather admit, to communicate your intention to visit, by hailing, and then cause your ship to go a-head of the suspected vessel, and drop a boat on board of her, to ascertain her national character; so that, in the event of her proving really to be a vessel of that foreign State whose Flag she bears, and not liable to be detained, and searched under Treaty, she may not be delayed in the prosecution of her voyage.

3. If the strength of the wind or other circumstances should render such mode of visit impracticable, you are to require the suspected vessel to be brought-to, for the purpose of ascertaining her national character, and, if necessary, you will be justified in enforcing this; understanding always that you are not to resort to any coercive measure, until every other means of effecting the visit shall have failed.

4. If you do not visit the suspected vessel in person, you are to entrust that duty to an Officer not under the rank of Lieutenant in the Royal Navy, unless such Officer be second in command of Her Majesty's ship; and you must be careful not to commit this duty to any Officer on whose judgment and discretion you cannot place full reliance.

5. The visiting Officer is to be accompanied by another Officer to whom directions are to be given, to observe carefully everything occurring during the visit, in order to give his testimony respecting the same.

6. If the visiting Officer, on boarding the vessel, is at once satisfied by circumstances, that she is entitled to the Flag she bears, and not liable to be detained in virtue of Treaty, he is immediately to quit her. If not so satisfied, he will require to see her papers, and, if necessary, enforce the production of them; making what further enquiries may be requisite, but without searching the cargo. If by the examination of the papers, or other proofs, he is satisfied that the Flag is genuine, and the vessel not liable to be detained in virtue of Treaty, he is likewise in this case immediately to quit her.

On leaving the vessel, he will always offer to note on her log-book the cause of suspecting her national character, the duration of the delay, if any delay took place, the date and place of visit, and the name of Her Majesty's ship and of the Commander; and he will sign this note, adding his rank in the Navy.

This entry, however, is not to be made without the consent of the Master of the vessel.

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7. If the investigation made as before directed should afford ~~SEARCH.~~ sufficient grounds for concluding that the Flag has been fraudulently assumed, you will, if the visit be made by you in person, proceed to search the vessel and cargo. If the visit be made, not by you, but by an Officer under your directions, the visiting Officer will immediately report the fact to you, and if you agree in this conclusion, you will order the vessel and cargo to be searched.

The visiting Officer will not, without such order, proceed to search, excepting when you have specially given him discretionary authority so to do.

8. It will be the duty of the Officer making the search to ascertain in the first instance,—

Whether the vessel is amenable to his authority as British, or as not entitled to any Flag, or by virtue of Treaty.

If this preliminary examination shall satisfy the Officer, that the vessel is British, or not entitled to any Flag, or that she may be liable to detention by Her Majesty's ship in virtue of Treaty, he will then prosecute a further search, for the purpose of ascertaining whether she is engaged in the Slave Trade.

These investigations are not to be proceeded in one step after it shall have been ascertained that the vessel cannot be legally detained by the visiting ship; as soon as that fact is ascertained, she must be allowed to proceed on her voyage forthwith.

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9. In order to justify detention the vessel must not only be ~~DETENTION.~~ amenable to the authority of Her Majesty's ship, but must also be liable to seizure as being engaged in Slave Trade.

Therefore no vessel can be seized under the following circumstances:—

*First.* Though she may have fraudulently assumed a Flag, if there be not sufficient evidence that she is engaged in the Slave Trade.

*Secondly.* Though fraudulently assuming a Flag and engaged in the Slave Trade, if she belong to a country with which Great Britain has not entered into a Treaty granting right of search and capture for the suppression of the Slave Trade.

*Thirdly.* Though fraudulently assuming a Flag, and engaged in the Slave Trade, and belonging to a State with which Great Britain has such a Treaty, if she be met with out of the limits prescribed by that Treaty.

*Fourthly.* Though fraudulently assuming a Flag, and engaged in the Slave Trade, and also belonging to a State with which Great Britain has such a Treaty, and found within the limits prescribed therein, if Her Majesty's ship has not due authority to act under the Treaty.

10. In case you shall have discovered that the vessel assum-

ing a Flag fraudulently, is amenable to your authority, and that there is reason to suppose she is engaged in the Slave Trade, you will carefully examine the Treaty or Law under which she would be adjudicated if you detained her, and will consider whether the evidence of Slave Trade be sufficient by such Treaty or Law to justify seizure.

If the vessel be British property, you will refer for your guidance to the Act of the 5th Geo. IV, cap. 112, and to the 6th and 7th Vict., cap. 98, and Section 3rd of these Instructions.

If the vessel be not entitled to the Flag of any State, you will refer to the Act of the 2nd and 3rd of Victoria, cap. 73, and Section 4th of these Instructions.

If the vessel belong to a Nation which has concluded with Great Britain a Treaty for the suppression of the Slave Trade, you will refer to that Treaty and the Instructions thereon.

Upon finding that the evidence is sufficient, you will seize her, and send her in for Adjudication to the proper Port, governing yourself strictly in all your proceedings, by the rules and regulations laid down for your guidance, according to the case.

## REPORT.

11. In all cases in which visit has been made on the suspicion of the fraudulent assumption of a Foreign Flag, a statement of the circumstances which have attended the performance of the duty is to be immediately drawn up by the visiting Officer, and entered on the log of Her Majesty's ship, and signed by him.

The Officer who accompanied the visiting Officer, as herein-before directed, is also immediately to draw up in detail and deliver to you a statement of all the circumstances that took place.

Each of these statements is to set forth whether any complaint was made by persons on board the vessel visited; and if such complaint were made, the particulars thereof are to be inserted, with any observation which may be considered necessary.

12. In all cases of vessels visited under this Instruction, you will, whether the vessel be detained or not, send a full statement of all the particulars to the Senior Officer of the station, and a duplicate thereof to the Secretary to the Admiralty, by the first opportunity.

13. You will incur the serious displeasure of Her Majesty's Government if you proceed to exercise your authority without reasonable grounds of suspicion; or if, in the execution of your duty, you shall exceed or depart from this Instruction.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

SECTION 6th.

*Instructions for the Senior Officer of Her Majesty's Ships and Vessels on the West Coast of Africa, with respect to the Treaty with the United States of America, signed at Washington on the 2d of August, 1842.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

We transmit to you herewith an extract from the Preamble of a Treaty\* between Her Majesty and the United States of America, dated the 2d of August, 1842, and a copy of Article VIII thereof, by which it is stipulated, that the Contracting Parties shall each maintain on the coast of Africa a naval force of not less than eighty guns, for the purpose of enforcing, separately and respectively, the laws, rights, and obligations of each country for the suppression of Slave Trade; that the two squadrons are to be independent of each other, but that the Officers in command shall receive such orders from their respective Governments as shall enable them to act in concert, and co-operate with each other; and we desire that you will take every opportunity, and use your utmost efforts to carry out the objects of the Treaty as here described; remembering that it is for this purpose, above all others, that Her Majesty's ships upon the west coast of Africa are placed under your command.

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With this view, you are to take the earliest opportunity of putting yourself in communication with the Senior Officer of the United States' squadron, for the purpose of coming to such an understanding as may best conduce to the end which your respective Governments have in view.

It will be the duty of yourself and of the Commanding Officers of Her Majesty's ships under your orders, upon all occasions to communicate to the Officers of the United States any information which may be of service in detecting the frauds of the Slave Traders, and especially to give notice of any vessel supposed to belong to the United States, and suspected of being engaged in the Slave Trade, which may be met with or heard of in the course of a cruise; and you will give directions to the Officers under your orders to pay strict attention to this duty.

The occasions upon which it may be convenient for a vessel under your orders to cruise in company with a vessel of the United States, will depend on circumstances which can best be judged of on the spot, and must be left to your own decision, or to that of the Commanding Officers of vessels under your orders,

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\* See Appendix to Section 6th.

when the latter are separated from a Senior Officer, and provided that the adoption of such a course will not interfere with their instructions from you. The system of joint cruising should be adopted, whenever, in the judgment of the Officers of both Nations, it can be done with advantage; and under any such arrangement, the Commanding Officers of Her Majesty's ships on the African station will continue to be guided by the Instructions under which they act when cruising singly, so far as relates to the visit, search, and detention of vessels belonging to nations with whom Great Britain has concluded Treaties for the suppression of Slave Trade, and of vessels not entitled to claim the protection of the flag of any nation.

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But in the event of meeting with a vessel believed to be British, and suspected of being engaged in the Slave Trade, the Commander of the British cruiser will invite the Commander of the cruiser of the United States to join him in visiting her. So also in the case of a vessel hoisting British colours, and suspected of having no right to carry them. If, on the other hand, a vessel should appear under the colours of the United States, and if the British Commander should not have reason to believe that she is other than a vessel of the United States, he will carefully abstain from all interference with her, unless his co-operation shall be requested by the Commander of the United States' cruiser.

It is only when the British Commander shall have reason to believe that the United States' Flag is dishonestly used, and that the vessel is engaged in the Slave Trade, and either is British, or belongs to a nation which has given to Great Britain the right to detain her vessels when so engaged, that he is, in co-operation with the Officer of the United States, to cause her to be visited and dealt with according to her nationality.

In carrying this part of his Instructions into execution, he will do right to leave the Commander of the United States' cruiser to take the first step of visiting the vessel, and ascertaining whether she is entitled to bear the Flag of his country; provided that in so doing no such delay is incurred as may enable her to escape altogether unvisited.

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The Commanding Officers of Her Majesty's vessels on the African station are to bear in mind, that it is no part of their duty to capture, or visit, or in any way to interfere with vessels of the United States, whether those vessels shall have Slaves on board or not; and you will give strict instructions to the Commanding Officers of the vessels under your orders, to abstain therefrom; at the same time, you will remember, that the Government of the United States are far from claiming that the Flag of the Union should give immunity to those who have no right to bear it; and that, most assuredly, Great Britain never will allow vessels of other nations to escape visit and examina-

tion by merely hoisting an United States' Flag, or the Flag of any other nation which has not granted to Great Britain the Right of Search. Accordingly, when from intelligence which the Officer commanding Her Majesty's cruiser may have received, or from the manœuvres of the vessel, or other sufficient cause, he may have reason to believe that the vessel does not belong to the nation indicated by her colours, he is, if the state of the weather will admit of it, to go a-head of the suspected vessel, after communicating his intention by hailing, and to drop a boat on board of her to ascertain her nationality, without causing her detention, in the event of her really proving to be a vessel of the nation, the colours of which she has displayed, and, therefore, one which he is not authorized to search; but should the strength of the wind, or other circumstance, render such mode of visiting the stranger impracticable, he is to require the suspected vessel to be brought-to, in order that her nationality may be ascertained, and he will be justified in enforcing it, if necessary; understanding always, that he is not to resort to any coercive measure until every other shall have failed; and the Officer who boards the stranger is to be instructed, merely in the first instance to satisfy himself by the vessel's papers, or other proof, of her nationality; and if she prove really to be a vessel of the nation designated by her colours, and one which he is not authorized to search, he is to lose no time in quitting her, offering to note on the papers of the vessel the cause of his having suspected her nationality, as well as the number of minutes the vessel was detained (if detained at all) for the object in question; such notation to be signed by the boarding Officer, specifying his rank, and the name of Her Majesty's cruiser; and, whether the Commander of the visited vessel consents to such notation on the vessel's papers or not (and it is not to be done without his consent), all the said particulars are to be immediately inserted in the log-book of Her Majesty's cruiser; and a full and complete statement of the circumstances is to be sent, addressed to the Secretary of the Admiralty, by the first opportunity, direct to England, and also a similar statement to you as the Senior Officer on the station, to be forwarded by you to our Secretary, accompanied by any remarks you may have reason to make thereon.

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Of course in cases when the suspicion of the Commander turns out to be well-founded, and the vessel boarded proves, notwithstanding her colours, not to belong to the nation designated by those colours, the Commander of Her Majesty's cruiser will deal with her as he would have been authorized and required to do, had she not hoisted a false flag.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

## SECTION 7th.

*Instructions for the Senior Officers of Her Majesty's Ships and Vessels on the African Stations, for negotiating with Chiefs of Africa.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

1. THE suppression of the Slave Trade may be materially assisted by obtaining the co-operation of the Native Chiefs of Africa in the object; you are therefore authorized to conclude Engagements for this purpose with the African Chiefs; but you must strictly adhere to the regulations herein laid down on the subject.

INFOR-  
MATION TO  
BE OB-  
TAINED.

2. You will procure the fullest and most correct information as to the state of those parts of the coast in which Slave Trade is carried on, so as to enable you to determine with what Chiefs it may be expedient to enter into negotiations for the conclusion of Engagements.

With this view, you will endeavour to ascertain the power and the influence of the several Chiefs; their personal character, and the habits of the people; the extent and force of the country; the sources, amount, and description of the legitimate trade carried on.

You will endeavour to obtain the most accurate information as to the Slave Trade; its present extent, and whether it has recently increased or diminished; you will enquire by whose agency, whether native or foreign, it is principally prosecuted; in what mode it is conducted; in what form the price of Slaves is received, whether in money or goods, and if in goods, the description of the same; how they are obtained; from whom and into what places imported; from what parts of the country the Slaves are brought, and how procured; from what parts of the coast they are usually embarked, and whether with the assistance of any, and what Chiefs.

You will investigate the means whereby the Slave Trade may most effectually and speedily be extinguished, and you will enquire into the inclination and the power of the Chiefs to carry into effect an Engagement for that purpose, and the means which Great Britain may have for enforcing it.

NEGOTIA-  
TION.

3. You are not to attempt to enter into any negotiation until you have obtained the fullest information that the circumstances admit of with respect to all the matters of enquiry before specified. And you must not enter into any Engagements excepting with independent Chiefs of considerable power and influence upon the coast.

4. When you shall desire to open negotiations with any African Chief, you will, after taking every proper precaution for the safety of yourself and your people, at the same time avoiding giving offence to the Natives, obtain a personal interview with the Chiefs, and endeavour to induce them to conclude an Engagement according to the Draft of Engagement forming the Appendix to this Instruction. (Vide Appendix to Section 7th.)

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5. If at the time of the negotiation the foreign Slave Trade actually exists in the territory of the Native Chief, you will propose the two Articles marked "Additional," annexed to the Draft, and will consider them an indispensable part of the Engagement.

6. Every opportunity is to be taken of impressing the minds of the Native Chiefs and their people, with a conviction of the efforts Great Britain has made for their benefit, and of her earnest desire to raise them in the scale of nations. It is most desirable to excite in them an emulation of the habits of the Christian world, and to enable them to make the first practical step towards civilization by the abandonment of the Slave Trade.

7. Special care must be taken not to offend the prejudices of the Natives; and every proper respect must be paid to their peculiar usages, so far as the same are not of an inhuman character; and allowance must be made for any jealousy or distrust that may be shewn by them.

8. You will not conclude the Engagement without reference home, except it be completed in the exact terms of the Draft of Engagement forming the Appendix to this Section; and if any further stipulation should appear to you to be necessary or desirable, whether on commercial or on other grounds, it will be your duty to make a report on the subject to your Government.

9. Threats or intimidation are never to be used, to induce the Native Chiefs to conclude the Engagement: on the contrary, forbearance and conciliation must be in all cases the rule of conduct; and if the Native Chiefs refuse the Engagement, every means must be taken to encourage in them feelings of confidence, and to leave a favourable impression that may facilitate the renewal of negotiations at a future period.

10. On the conclusion of an Engagement, according to the Draft, you will consider yourself authorized to declare Her Majesty's approval of the same.

The Engagement must always be signed in duplicate.

11. Immediately after the conclusion of the Engagement, you will require the Chiefs to proclaim a law to their people, by which its stipulations shall be publicly made known.

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12. In case the Slave Trade is actually carried on within the jurisdiction of the Chief at the time the Engagement is concluded, and that, consequently, the two Additional Articles form part of ADDITIONAL ARTICLES.

the Engagement, you will then require, that all the Slaves held for exportation shall be delivered up to you to be made free at a British colony. You will also demand, that all implements of Slave Trade, such as shackles, bolts, and handcuffs, chains, whips, branding-irons, &c., or articles of Slave equipment for fitting up vessels to carry Slaves, shall be given up to you, or destroyed in your presence. You will also insist on the immediate destruction of the barracoons, or buildings exclusively devoted to the reception of Slaves, and, if necessary, you will enforce all these demands.

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**QUESTION  
OF FORCE.**

13. Upon the fulfilment of the Engagement thus far, you will use every effort to induce the Chiefs to carry into effect the other provisions of the Engagement, especially as regards the white Slave-dealers, and you are for this purpose to afford any assistance that the Native Chiefs may require, but you are not to use force, unless at their signed request in writing.

14. You are not, without the signed consent in writing of a Native Chief, to take any step upon his territory for putting down the Slave Trade by force, excepting when, by Engagement, Great Britain is entitled to adopt coercive measures on shore for that purpose.

15. After the conclusion of an Engagement, and the carrying of the same into effect so far as above directed, you will send home one of the originals of the Engagement, and a report of your proceedings thereupon, for further instructions. You will cause a vigilant watch to be kept over the proceedings of the Chiefs, until you are satisfied of their fidelity to their Engagements. After which, you will visit the Chiefs in person, or send a Commander of one of Her Majesty's ships, at least once in six months, to see to the due execution of the Engagements on the part of the Chiefs.

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**FOREIGN  
SLAVE  
TRADE  
CARRIED ON  
BY CHIEF  
OUTSIDE OF  
HIS TERRI-  
TORY.**

16. In the event, however, of ultimate failure of the negotiation, you will finally state to the Chief, that every civilized Naval Power in the world has declared that it has abandoned the Slave Trade; that most nations have united with Great Britain in endeavours to put it down; that Great Britain will not allow the subjects of the Chief so far to frustrate those endeavours, as to carry Slaves for sale, to or from any places beyond the limits of his own territory, and that Her Majesty's Officers have orders to liberate Slaves when found embarked in boats of his subjects for that purpose.

17. All the proceedings adopted in conformity with these Instructions, whether with regard to the negotiation or the carrying into effect of Engagements, are to be conducted by you; but if circumstances prevent you from doing so in person, you may specially authorize for the purpose another Officer: but you will take great care, in such case, to select one on whose judgment and discretion you can rely with confidence.

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18. You will forward to the Admiralty a detailed report of all proceedings which may have taken place on the occasion of visiting any port or place for the purposes mentioned in this instruction. And in those cases in which you shall have deputed to another Officer the duty of visiting the place, the Officer so deputed will forward direct to the Admiralty a duplicate of his report to you.

19. You will make to the Admiralty an annual detailed report on the state of legal commerce, and the extent of Slave Trade, throughout your station, recapitulating therein the principal points of your occasional reports during the year, and adding thereto such other information as may serve to give to Her Majesty's Government a correct view of the course of your proceedings and of their result in the service of suppressing the Slave Trade.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

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25.	<i>Cameroons</i> . Engagement with King Bell, of Bell's Town, Cameroons	.. .. ..	Bell's Town, Cameroons River,	May 7, ——.. 120
	Declaration; Cameroons, April 25, 1842.			
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	Declaration; Cameroons, April 25, 1842.			
26.	<i>Niger</i> . Engagement with Obi Osei, Chief of the Aboh country.	.. .. ..	Aboh,	Aug. 22, ——.. 123
	Additional Article to do.	do.		do.
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27.	<i>Old Calabar</i> . Engagement with Eyo, King of Creek Town, Calabar	.. .. ..	Creek Town, Old Calabar, River, ..	Dec. 6, ——.. 127
	River			
	Additional Articles to do.,			
	November 30, 1842.			
	Engagement with Eyamba, King of Calabar	.. .. ..	Calabar Town, Old Calabar, River, ..	Dec. 6, ——.. 127
	Additional Articles to do.,			
	November 30, 1842.			

[Forms 3, 4, 5, 6, 7, apply to this Treaty.]

## 1.—NETHERLANDS.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Treaty between Great Britain and the Netherlands, dated 4th of May, 1818, for the Abolition of the Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

THE Treaty of the 4th May, 1818,<sup>1</sup> between Great Britain and the Netherlands, has two Annexes, marked A and B, which, by the terms of the Treaty are declared to form an integral part thereof.

Annex A contains Instructions for the ships of the Royal Navies of both nations employed to prevent the illicit Traffic in Slaves.

Annex B contains Regulations for the Mixed Courts of Justice established under the Treaty.

There are also three Additional Articles to the Treaty, dated respectively December 31, 1822, January 25, 1823, and February 7, 1837.

Your conduct in suppressing Slave Trade carried on in Netherland vessels must be governed and regulated by the Treaty and its Annexes; and the following Instructions are framed, in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the Treaty into effect.

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Commanders of Her Majesty's ships are not authorized to search Netherland vessels under this Treaty, unless duly provided with the Instructions contained in Annex A, signed by the Lords of the Admiralty; but when furnished with this document, they are authorized to visit, search and detain, under the conditions prescribed by the Treaty, any Netherland vessel which, upon reasonable grounds, may be suspected of being engaged in Slave Trade.

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The authority to visit and search must be exercised under the following restrictions and regulations :—

*First.* In no case is the search to be made by an Officer under the rank of Lieutenant in the Navy.

*Secondly.* The Right of Search can only be exercised in respect to merchant-vessels.

Ratifications exchanged  
May 26, 1818.  
Treaty;  
Art. IX.

Ratifications exchanged  
Feb. 11, 1823.  
Feb. 25, 1823.  
Feb. 27, 1837.

AUTHORITY  
TO ACT  
UNDER THE  
TREATY.

Treaty;  
Art. VI.  
Treaty;  
Art. II.  
Annex A,  
Art. I.

VISIT AND  
SEARCH.

Annex A,  
Art. II.

Treaty;  
Art. II.

Treaty;  
Art. III,  
Sect. I.

*Thirdly.* The Right of Search is not to be exercised in the Mediterranean Sea, nor within the seas of Europe which lie without the Straits of Gibraltar, and to the northward of the 37th degree of North latitude, and within and to the eastward of the 29th degree of West longitude from Greenwich.

Treaty:  
Art. III.  
Sect. 4.

*Fourthly.* If you should deem it expedient to visit any merchant-vessel or vessels, under the Flag and proceeding under the convoy of any ship of the Royal Navy of the Netherlands, you will proceed to make the visit in company with the Commander of the convoy, who, by the Treaty, is bound to give every facility to such visit, and to the eventual detention of the vessel by you, if required, and in all things to assist to the utmost of his power in the execution of this Treaty.

In the event of your commanding a convoy you are in like manner to permit the Commander of a Netherland ship of war, duly authorized under this Treaty, to visit, in company with you, any British merchant-vessel under your convoy suspected of Slave Trade, and to give every facility to such visit, and to the eventual detention of the vessel by the Netherland Commander, if required.

A full report of the circumstances relating to any British or Netherland vessels, so met with under convoy, must be made to the Officer under whose orders you are serving, and a duplicate of the report is to be sent to the Admiralty, at the earliest opportunity.

**DETENTION.** It will be your duty when duly authorized under this Treaty, to seize any Netherland vessel found where search is permitted, whenever it shall appear,—

Treaty;  
Art. II.  
Additional  
Article I.,  
Dec. 31,  
1822.  
Additional  
Article,  
Jan. 25,  
1823.

*First.* That Slaves for the purpose of traffic are or have been on board during the particular voyage on which the vessel may be captured.

*Secondly.* That the vessel has on board any of the fittings or equipments described in the Additional Article, January 25, 1823, excepting in the particular cases wherein it is provided to the contrary by Sections 6 and 9 of the said Article; and provided also such vessel be met with in any river, bay, or creek, on the Coast of Africa, or within one geographic degree to the westward thereof, and between the 20th degree of North latitude and the 20th degree of South latitude.

Negro servants or sailors found on board Netherland vessels cannot in any case be deemed a sufficient cause for detention.

If you should determine to seize the vessel, you are forthwith to take possession of the ship's papers, and of all other documents and letters found on board; and cause a list to be made out thereof in duplicate, according to Form No. 4, verifying the same by your signature; and you are to deliver to the Master of the seized vessel one of the said certified lists.

Form No. 4. You are, also, at the time of seizure, to draw up in writing a declaration of the state in which you found the seized vessel, according to Form No. 5; and this declaration is to be signed by yourself, and to be given in or sent, together with the cap-

Form No. 5.

fined vessel, to the Mixed Court of Justice before which such vessel shall be taken for adjudication.

In the event of your seizing a Netherland vessel, you must, without delay, take her for trial, before that one of the Mixed Courts of Justice which shall be nearest the place of detention, <sup>CONDUCTING TO THE PORT OF ADJUDICATION.</sup>

There are two Mixed Courts of Justice established under this Treaty, one at Sierra Leone, the other at Surinam.

You are to leave on board the seized vessel all the cargo, the Master, and a part at least of the crew.

The Negroes are not to be disembarked until the arrival of the vessel at the Port of Adjudication, unless urgent reasons, arising from the length of the voyage, their state of health, or other causes, require that the whole or a portion of the Slaves should be disembarked before such arrival, in which case you may take on yourself the responsibility of such disembarkation, provided the necessity be stated in a certificate; and then you must draw out a certificate, according to Form No. 3, in which Form No. 3. you are to declare the reasons for the said disembarkation.

As soon as the Officer in charge of the seized vessel shall have brought her to the place where the Mixed Court of Justice is sitting, he is to deliver to the Court,—

*First.* Duplicate of the certificate delivered to the Master at the time of seizure, according to Form No. 4.

*Secondly.* The authenticated declaration drawn up also at the time of seizure, according to Form No. 5.

*Thirdly.* An affidavit to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed; and this affidavit must verify the same: Form No. 6 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

*Fourthly.* Another affidavit, in which are to be stated any changes which may have taken place in respect to the vessel, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such papers: Form No. 7 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

*Fifthly.* If any Slaves shall have been removed under the provisions of Article III, Annex A, he is also to deliver in to the Court the certificate therein described, according to Form No. 3.

The Officer will then by himself or agent proceed in the case, according to the forms of business in use in the Mixed Courts of Justice, which he will learn on application to the Registrar.

The rights conferred by the Treaty must in every case, and in all stages, be exercised in the mildest manner and with every attention which ought to be observed between allied and friendly

Treaty:  
Art. IV.

nations; and you will bear in mind the responsibility of Great Britain to see that any losses which Netherland subjects may suffer by the arbitrary and illegal detention of their vessels shall be made good.

You will mark, that in case Her Majesty's Officers deviate in any respect from the stipulations of the Treaty, or the Instructions annexed thereto, or the Additional Articles thereto, Her Majesty's Government, upon complaint, is bound to cause enquiry to be made, and to inflict upon the offending Officer a punishment proportioned to any wilful transgression he may have committed.

Netherland ships of war duly authorized under the Treaty have the same right of search and detention with respect to British merchant-vessels suspected of being engaged in Slave Trade, as may be exercised by Her Majesty's ships of war so authorized, with respect to Netherland merchant-vessels.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms No. 4 and 5 apply to this Treaty.]

## 2.—MUSCAT.

*Instructions for Commanders of Her Majesty's Ships, for carrying into execution the Treaty signed at Muscat on the 10th of September, 1822, and the Convention signed at Zanzibar on the 31st of May, 1839, between His Majesty and His Highness the Imaum of Muscat, for a Restriction of the Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

THE Treaty of the 10th September, 1822, between His Majesty and the Imaum of Muscat, has an Additional Article annexed thereto of the same date as the Treaty, and three Additional Articles, dated the 17th December, 1839.

The Treaty stipulates that the Imaum will abolish the Trade in Slaves between his dominions and every Christian country.

The Convention of Commerce of the 11th of May, 1839, stipulates that the ships of war of the East India Company may carry into effect the above-mentioned Treaty in the same manner as Her Majesty's Ships.

By this Treaty and Convention authority to search and detain Muscat vessels is given to Her Majesty's ships, and the ships of war belonging to the East India Company, under the following circumstances :—

*First.* When Muscat vessels are laden with Slaves, and met with anywhere bound for Christian countries.

SEARCH.  
Treaty of  
1822;

Art. V.

*Secondly.* When such vessels are engaged in Slave Trade, and met with anywhere excepting within a direct line drawn from Cape Delgado, passing two degrees to seaward of the Island of Socotra and ending at Passein: but you will observe that vessels met with outside of that line are exempt from seizure, if they have been driven beyond it by stress of weather, or other necessity.

Additional  
Art. I. of  
Dec. 17,  
1839.

*Thirdly.* When such vessels are laden with Slaves, and met with inside of the line, but not furnished with port-clearances required by Article VI of 1822.

Treaty of  
1822;  
Art. VI.

On seizing any vessel under this Treaty, you will take possession of the ship's papers, making a list thereof, according to Form No. 4, and certifying the same by your signature.

DETENTION.  
Form No. 4.

You will also draw out a declaration, according to Form No. 5, stating the circumstances attending the capture, and mentioning the date and place where it was made, and you will certify the same by your signature.

Form No. 5.

On detaining under this Treaty Muscat vessels, outside of the line drawn from Cape Delgado to seaward of Socotra and ending at Passein, you will without delay, carry or send the vessel with the Slaves, to the nearest British Court of Vice-Admiralty, delivering up to the proper authorities the vessel for trial, and the Slaves, if any, for liberation; but on detaining any vessel within the said line, you will carry or send such vessel with her Slaves to Muscat for trial.

CONDUCT-  
ING TO THE  
PORT OF AD-  
JUDICATION.  
Second Addi-  
tional Article

of Dec. 17,  
1839.

The Officer in charge is at the time of delivering up the vessel to the authorities before which the case is to be tried, to deliver also the ship's papers and certificates thereof, and the captor's declaration of capture.

Third Addi-  
tional Article  
of Dec. 17,  
1839.

You will observe that by the Additional Articles of the 17th of December, 1839, the Imaum of Muscat has promised to punish as pirates any of his subjects who may be found concerned in the sale of persons of the Soomalee tribe.

The circumstances attending the seizure of any vessel under this Treaty must be fully reported to the Officer under whose orders you are serving, and a duplicate of the Report sent at the earliest opportunity to the Admiralty.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms 1, 2, 3, 4, apply to this Treaty.]

### 3.—SWEDEN AND NORWAY.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Treaty between Great Britain and Sweden, dated the 6th of November, 1824, for preventing the Traffic in Slaves.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

Ratifications exchanged Feb. 26, 1825. THE Treaty of the 6th May, 1824, between Great Britain and Sweden, has four Annexes, marked A, B, C, and D, which, by the terms of the Treaty, are declared to form an integral part thereof.

Annex A contains a Proclamation of the King of Sweden, dated the 7th of February, 1823, declaring that any Swedish or Norwegian vessel employed in the Slave Trade, shall lose all right to protection from the Swedish or Norwegian flag.

Annex B contains extract from a Norwegian Proclamation, dated the 16th of March, 1792, abolishing all Traffic in Negroes.

Annex C contains Instructions for the ships of the royal navies of both Nations employed to prevent the illicit Traffic in Slaves.

Annex D contains Regulations for the Mixed Courts of Justice to be established under the Treaty.

There is also a Declaration made at the period of the exchange of the Ratifications of this Treaty, stating that a Mixed British and Swedish Court is to be established at Sierra Leone.

Ratifications exchanged July 27, 1835. There is likewise an Additional Article, dated at Stockholm, the 15th of June, 1835, by which it is stipulated that condemned vessels are to be broken up.

Your conduct in suppressing the Slave Trade carried on in Swedish and Norwegian vessels, must be governed and regulated by the Treaty, and the Annexes, and the Declaration; and the following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the Treaty into effect.

AUTHORITY  
TO ACT  
UNDER THE  
TREATY.

Treaty;  
Art. III.  
Annex C,  
Sect. 1.

Commanders of Her Majesty's ships are not authorized to search Swedish or Norwegian vessels under this Treaty, unless duly provided with the Instructions contained in Annex C and with Special Orders from the Admiralty to carry the same into effect; but when furnished with those Instructions, they are authorized to visit, search, and detain, under the conditions prescribed by the Treaty, any Swedish or Norwegian vessels

which, upon reasonable grounds, may be suspected of being engaged in Slave Trade.

The authority to visit and search must be exercised under the following restrictions and regulations:—

*First.* In no case is the search to be made by an Officer under the rank of Lieutenant in the Navy.

*Secondly.* The Right of Search can be exercised in respect to merchant-vessels only.

*Thirdly.* The Right of Search is not to be exercised in the Mediterranean Sea, nor within the European seas, lying without the Straits of Gibraltar, to the Northward of the 37th degree of North latitude, and within, and to the Eastward of the Meridian of Ferro.

*Fourthly.* If you should suspect that a Swedish or Norwegian vessel, under convoy of a Swedish ship of war, is engaged in the Slave Trade, you are to communicate your suspicions to the Commander of the Convoy, who is then to proceed to visit the suspected vessel, accompanied either by you or by an Officer delegated by you as your representative.

If the suspicion appear to be well founded, the vessel is to be taken by you before one of the Mixed Courts of Justice established under the Treaty.

Should, however, the Commander of the Convoy refuse to make the search, you have no authority to take any further steps.

The Commander of the Convoy is to afford all the aid and assistance possible to the visit of the suspected vessel, and to her eventual seizure, according to the spirit and true sense of the Treaty.

In the case of a British vessel, sailing under your convoy, being suspected of Slave Trade by a Commander of a Swedish ship of war, duly authorized to act under the Treaty, you will, on the Commander of a Swedish ship of war communicating to you his suspicions, invite the Swedish Officer to accompany you in the search, or to delegate an Officer for such purpose; and if the suspicions appear to you to be well founded, you will permit the Swedish Officer to seize the vessel, and send the vessel to one of the ports where the Mixed Courts of Justice are stationed under the Treaty, in order that the case may be tried by the authorized Tribunal.

In case an application, such as is above described, should be made to you, you will take care that the search and enquiry which is instituted, shall be strict and satisfactory. You will afford all the aid and assistance possible to the visit of the suspected vessel, and to her eventual seizure if required; and you will treat the Swedish Commander with every courtesy and respect throughout the whole proceeding.

A full report of the circumstances relating to any British, Swedish or Norwegian vessels, so met with under Convoy, must be made to the Officer under whose orders you are serving, and a duplicate of the Report is to be sent to the Admiralty at the earliest opportunity.

VISIT AND  
SEARCH.

Annex C,  
Sect. 2.  
Treaty;  
Annex C,  
Sect. 2.

Art. III,  
Sect. 1.

Treaty;

Art. III,  
Sect. 5.

**DETENTION.** — It will be your duty, when duly authorized under this Treaty, to seize any Swedish or Norwegian vessel found where search is permitted, whenever it shall appear,—

Treaty ; Art. VII. *First.* That one or more Slaves for the purpose of traffic, are or have been on board during the voyage on which the vessel may be captured.

Treaty ; Art. VII. *Secondly.* That the vessel has on board any of the fittings or equipments mentioned in the Seventh Article of the Treaty; excepting in the particular cases where it is provided to the contrary, by Sections 6 and 9 of the said Article, provided such vessel be met with in any river, gulph, or creek, on the coast of Africa, or within one degree to the Westward thereof, and between the 20th degree of North latitude and the 20th degree of South latitude.

Annex C, Sect. 1. *Thirdly.* Negro servants or sailors found on board Swedish or Norwegian vessels cannot in any case be deemed a sufficient cause for detention.

Form No. 1. If you should determine to seize the vessel, you are forthwith to take possession of the ship's papers, and of all other documents and letters found on board, and to cause a list to be made out thereof in duplicate according to Form No. 1, verifying the same by your signature; and you are to deliver to the Master one of the said certified lists.

Annex C, Sect. 3. You are also at the time of seizure to draw up in writing a Declaration of the state in which you found the said vessel, Form No. 2, according to Form No. 2, and this Declaration is to be signed by yourself, and to be given in or sent, together with the captured vessel, to the Mixed Commission before which such vessel shall be taken for adjudication.

**CONDUCT-  
ING TO THE  
PORT OF AD-  
JUDICATION.** — In the event of your seizing a Swedish or Norwegian vessel, you must without delay conduct her for trial before the Mixed Court of Justice established under the Treaty.

Annex C, Sect. 1. The Treaty provides that two Courts of Justice shall be established, one at Sierra Leone, and one at St. Bartholomew; but at present, that at Saint Bartholomew is not established under the Treaty.

Treaty ; Article IV, and Declara- to it. You are to leave on board the seized vessel all the cargo, as well as the Master and a part at least of the crew of the vessel seized.

Annex C, Sect. 3. The Negroes are not to be disembarked till after the vessel which contains them shall have arrived at the place where the legality of the capture is to be tried, unless urgent motives, arising from the length of the voyage, the state of health of the Negroes, or other causes, require that they should be disembarked entirely or in part.

Form No. 3. In this case you must draw out a certificate according to Form No. 3, in which you are to declare the reasons of the said transfer; and the persons so transferred must be conducted immediately to the same port as the vessel and its cargo.

As soon as you shall have brought the seized vessel to the place where the Mixed Court of Justice is sitting, you are to deliver to the Court,—

*First.* The duplicate of the certificate delivered to the Master at the time of seizure, according to Form No. 4.

PROCEEDINGS AT THE PORT OF ADJUDICATION.

Form No. 4.

*Secondly.* The authenticated declaration drawn up also at the time of the seizure, according to Form No. 5.

Form No. 5.

*Thirdly.* An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board must be annexed, and this affidavit must verify the same: Form No. 6 is to be used for this purpose, unless there should be Form No. 6. a different Form prescribed by the Court.

*Fourthly.* Another affidavit, in which are to be stated any changes which have taken place in respect to the vessel, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such papers: Form No. 7 is to Form No. 7. be used for this purpose, unless there should be a different Form prescribed by the Court.

*Fifthly.* If any Slaves shall have been removed, as mentioned in Annex C, Section 3, you are also to deliver in to the Court the certificate therein described, according to Form No. 3.

Form No. 3.

You are then, by yourself or agent, to proceed in the case, according to the forms of business in use in the Mixed Court of Justice, which you will learn upon application to the Registrar of the Court.

The rights conferred by the Treaty must, in every case and in all stages be exercised in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and you will bear in mind the responsibility of Great Britain to see that any losses which Swedish or Norwegian subjects may suffer by the arbitrary or illegal detention of their vessels shall be made good.

Treaty :  
Art. V.

You will mark that, in case Her Majesty's Officers deviate in any respect from the stipulations of the Treaty, or the Instructions annexed to it, Her Majesty's Government upon complaint is bound to cause enquiry to be made, and to inflict upon the Officer, a punishment proportionate to any wilful transgression he may have committed.

Treaty :  
Art. VI.

Swedish and Norwegian ships of war duly authorized under the Treaty have the same right of search and detention, with respect to British merchant-vessels suspected of being engaged in the Slave Trade, as may be exercised by Her Majesty's ships of war so authorized, with respect to Swedish and Norwegian merchant-vessels.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,

SIDNEY HERBERT.

[Forms 3, 4, 5, 6, 7, apply to this Convention.]

#### 4.—BRAZIL.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Convention between Great Britain and Brazil, dated the 23rd of November, 1826, for the Abolition of the African Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

ratifications exchanged  
March 13,  
1827.  
Convention;  
Art. I.

By the Convention of the 23rd November, 1826, between Great Britain and Brazil, Article I, it was declared that, at the expiration of three years from the exchange of the ratifications of that Convention, the carrying on of Slave Trade by Brazilian subjects, in any manner whatever, should be unlawful, and should be deemed and treated as Piracy.

Convention;  
Arts. II and  
III.

In carrying into effect the stipulations of that Convention, the Parties agreed to adopt and renew, *mutatis mutandis*, the Treaty between Great Britain and Portugal of the 22nd January, 1815, and the Additional Convention of the 28th July, 1817, and the several Explanatory and Additional Articles thereto.

Your conduct in suppressing Slave Trade carried on in Brazilian vessels, must be governed and regulated by the following Instructions, which are framed in conformity with those Compacts with Portugal, as altered by the Convention with Brazil, for the purpose of distinctly pointing out the course which you are to pursue in carrying the last-mentioned Convention into execution.

AUTHORITY  
TO ACT  
UNDER THE  
CONVENTION.

Commanders of Her Majesty's ships are not authorized to search Brazilian vessels unless duly provided with the Instructions for ships of war, annexed to the Additional Convention with Portugal, of the 28th July, 1817, and with Special Orders from the Admiralty to carry the same into effect; but when furnished with these Documents, they are authorized to visit, search, and detain, any Brazilian vessel which, upon reasonable grounds, may be suspected of being engaged in Slave Trade.

VISIT AND  
SEARCH.

The authority to visit and search must be exercised under the following restrictions and regulations:—

*First.* In no case is the search to be made by an Officer under the rank of Lieutenant of the Navy.

*Secondly.* The Right of Search can only be exercised on merchant-vessels.

*Thirdly.* No vessel can on any account whatever be visited

or detained whilst in a port or roadstead belonging to Brazil, or within cannon-shot of the batteries on shore. But in case suspicious vessels should be found so circumstanced, proper representations must be addressed to the Authorities, requesting them to take effectual measures for preventing such abuses.

---

It will be your duty, when duly authorized, to seize any ~~DETENTION.~~  
Brazilian vessel, found where search is permitted, whenever it  
shall appear,—

*First.* That Slaves for the purpose of traffic are or have been on board during the particular voyage on which the vessel may be captured.

*Secondly.* That the vessel has on board fittings or equipments for Slave Trade, or that other proofs are found showing the vessel to be engaged in that Trade.

Negro servants or sailors found on board Brazilian vessels, ~~must not in any case be deemed a sufficient cause of detention.~~

If you should determine to seize the vessel, you are forthwith to take possession of the ship's papers and of all other documents and letters found on board, and cause a list to be made out thereof in duplicate, according to Form No. 4, verifying the Form No. 4. same by your signature; and you are to deliver to the Master of the seized vessel one of the said certified lists.

You are also at the time of seizure to draw up a declaration of the state in which you found the detained vessel, according to Form No. 5; and this declaration is to be signed by yourself, Form No. 5. and to be given in or sent, together with the captured vessel, to the Mixed Commission Court before which such vessel may be taken for adjudication. There are two of these Courts—one at Sierra Leone, and the other at Rio de Janeiro.

---

In the event of your having seized a Brazilian vessel, you must without delay cause her to be taken in for trial as soon as possible for judgment before that one of the Mixed Commission Courts which shall be nearest the place of detention, or which can be soonest reached from such place; and the Officer in charge must be provided with a copy, certified by you, of the Special Order authorizing you to carry the Convention into effect.

You are to leave on board all the cargo, the Master, and a part at least of the crew of the detained vessel.

The Negroes must not be disembarked until the arrival of the vessel at the Port of Adjudication, unless urgent reasons, arising from the length of the voyage, their state of health, or other causes, require that they should be disembarked entirely, or in part, before her arrival there.

In this case you, or the Officer charged with the said seized vessel, as the case may be, must draw up a certificate, according to Form No. 3, in which the reasons of the said transfer are to be declared; and Negroes so transferred must be conducted immediately to the same port as the vessel and its cargo.

CONDUCT-  
ING TO THE  
PORT OF AD-  
JUDICATION.

---

**PROCEEDINGS AT THE PORT OF ADJUDICATION.** As soon as the Officer in charge of the detained vessel shall have brought her to the place where the Mixed Commission is sitting, he is to deliver to the Court,—

— *First.* Duplicate of the certificate delivered to the Master at Form No. 4 the time of seizure, according to Form No. 4.

*Secondly.* The authentic declaration drawn up at the time of seizure, according to Form No. 5.

*Thirdly.* An affidavit to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed, and this affidavit must verify the same. Form No. 6 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

*Fourthly.* Another affidavit, in which are to be stated any changes which may have taken place in respect to the vessel, the Slaves, if any, and the cargo, between the period of her detention and the time of delivering in such papers: Form No. 7 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

*Fifthly.* If any transfer of the Negroes or crew to another vessel shall have taken place as before mentioned, he is also to deliver in to the Court a certificate therein required, according to Form No. 8. Form No. 3.

If the detained vessel be carried to a Brazilian port, the Officer in charge will deliver up to the Brazilian Authorities the crew of the vessel, and will inform Her Majesty's Minister at Rio thereof, in order that the Minister may require, that the Treaty, declaring the Slave Trade when carried on by Brazilian subjects to be piracy, may be carried into execution.

The Officer in charge of the vessel will reserve, to be produced on demand of the Court, the copy of the Special Order to enforce the Convention.

The Officer will then, by himself or agent, proceed in the case according to the forms of business in use in the Mixed Commission, which he will learn upon application to the Registrar.

The rights conferred by the Convention must, in every case, and in all stages, be exercised in the mildest manner and with every attention which ought to be observed between allied and friendly nations: and you will bear in mind the responsibility of Great Britain to make good any losses which Brazilian subjects may suffer by the arbitrary or illegal detention of their vessels.

Brazilian ships of war duly authorized under the Convention have the same right of search and detention with respect to British merchant-vessels suspected of being engaged in Slave Trade, as may be exercised by Her Majesty's ships of war so authorized with respect to Brazilian vessels.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms 1, 2, 3, 8, 9, 10, apply to these Conventions.]

## 5.—FRANCE.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Convention of the 30th November, 1831, and the Supplementary Convention of the 22nd March, 1833, between Great Britain and France, for the Suppression of the Traffic in Slaves.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

A CONVENTION for the suppression of the Slave Trade, was concluded between Great Britain and France, on the 30th November, 1831, and a Supplementary Convention thereto on the 22nd March, 1833, and the Supplementary Convention has annexed to it Instructions to Craizers, bearing the same date, and declared to form an integral part thereof.

Your conduct in suppressing Slave Trade carried on in French vessels must be governed and regulated by these Conventions and the Instructions to Cruizers.

The following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the Conventions into effect.

The right of searching French merchant-vessels is to be exercised only by British ships of war, whose Commanders have the rank of Captain, or at least that of Lieutenant in the Navy, and who are duly provided with special authority from each of the two Governments: namely, a Warrant from the French Government, and a Special Order from the Admiralty; but when furnished with these documents, they are authorized to visit, search, and detain, under the conditions prescribed by the Conventions, any French merchant-vessel which, upon reasonable grounds, may be suspected of being engaged in the Slave Trade.

The authority to visit and search must be exercised under the following restrictions and regulations:—

*First.* Search is to be made only by you, or if not made by you, by an Officer of your Ship not under the rank of Lieutenant in the Navy.

*Secondly.* In no case can the Right of Search be exercised on ships of war.

**Convention;** *Thirdly.* The Right of Search can be exercised only within the waters hereinafter described, namely :—

**Art. I.** 1. Along the western coast of Africa, from Cape Verd to the distance of ten degrees south of the Equator; that is to say, from the 15th degree of North latitude to the 10th degree of South latitude, and as far as the 30th degree of West longitude, reckoning from the meridian of Paris.

Mem. Long. from Green.  
wich, 20°  
40' W.

2. All round the Island of Madagascar, to the extent of about twenty leagues from that Island.

3. To the same distance from the coasts of the Island of Cuba.

4. To the same distance from the coasts of the Island of Porto Rico.

5. To the same distance from the coasts of Brazil.

A suspected vessel descried and begun to be chased by you, whilst within the said space of twenty leagues, may be searched by you beyond those limits, if, without having lost sight of the suspected vessel, you should succeed in coming up with her, though at a greater distance from the coast.

**Instructions  
to Cruizers,  
Sect. 7.**

*Fourthly.* If you should have reason to suspect that a French merchant-vessel, sailing under convoy of, or in company with, a French ship of war, is engaged in Slave Trade, or has been fitted out for that traffic, you are to confine yourself to communicating your suspicions to the Commander of the convoy, or of the ship of war in company, and to leave it to the French Officer to proceed alone to visit the suspected vessel, and to deliver her up, if the case require it, to the jurisdiction of her own country.

If the Commander of the convoy omit to fulfil the provisions of the Conventions, you have no authority to take any further steps.

Should the Commander of a French ship of war duly authorized to act under the Conventions, declare to you that he suspects any British vessel under your convoy or in company, to be engaged in the Slave Trade, or to have been fitted out for that traffic, you are to proceed alone to visit the suspected vessel, and make the strictest investigation into the circumstances, and if the case require it, to seize her and send her in for trial before a British tribunal.

A full report of the circumstances relating to any British or French vessels, so met with under convoy, must be made to the Officer under whose orders you are serving; and a duplicate of the Report is to be sent to the Admiralty at the earliest opportunity.

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The following Article requires particular attention :—

**Convention;  
Art. VI, and  
Instructions  
to Cruizers,  
Sect. 1.  
Instructions** Whenever a French vessel is visited by you, you are immediately on coming on board, and before you begin the search, to exhibit to her Master the documents which confer on you the right of search, namely, the Warrant from the French Government and the Special Order from the Admiralty; and you are to

deliver to the Master a certificate, signed by yourself, according to Cruizers, Sect. 6.  
to Form No. 1, furnished herewith. Form No. 1.

When the visit is made by another Officer under your command, such Officer is to exhibit to the Master of the French vessel copies of the above-mentioned Warrant and Special Order, signed by you, and he is then to deliver a certificate, signed by himself, according to Form No. 2.

Should it appear that the papers of the vessel are regular, Convention; Art. VI, and Instructions to Cruizers, Sect. 1.  
and her proceedings lawful, the Officer is to certify on the log-book of the vessel, that the examination took place only in virtue of the special authority above mentioned; and these formalities having been completed, the vessel is to be at liberty to pursue her voyage.

It will be your duty when duly authorized under these Con- DETENTION.  
ventions, to seize any French vessel found where search is permitted, whenever it shall appear,

*First.* That Slaves are on board, contrary to the Conventions.

*Secondly.* That the vessel is engaged in the Slave Trade.

*Thirdly.* That the vessel has on board any of the fittings or equipments mentioned in Article VI of the Supplementary Convention, excepting in the particular cases wherein it is provided to the contrary by Sections 6 and 9 of the said Article.

If you should determine to detain the vessel, you are forth- Instructions  
with to take possession of the ship's papers and of all other to Cruizers,  
documents and letters found on board, and to cause a list to be Sect. 2.  
made out thereof, in duplicate, according to Form No. 8, veri- Form No. 8.  
fying the same by your signature.

You are also at the time of seizure to make out and sign in duplicate a declaration, according to Form No. 9: a duplicate Form No. 9.  
original of both these documents is to be sent, together with the captured vessel, to the French Authorities, as hereinafter directed.

In the event of your detaining a French vessel, you must, CONDUCT-  
without delay, either carry her in for trial yourself, or send her ING TO THE  
in charge of an Officer not below the rank of Lieutenant in the PORT OF AD-  
Navy; and in the latter case, that Officer must be provided with JUDICATION.  
copies certified by you, of the Warrant and Special Order authorizing you to carry the Conventions into effect, and of the Certificate contained in Form No 1, if the vessel has been searched by you, or in Form No. 2, if she has been searched by an Officer under your command.

French vessels detained on the African station shall be delivered up at Goree.

On the West Indian station at Martinique.

On the Madagascar station at the Isle of Bourbon.

On the Brazilian station at Cayenne.

No person whatever is to be taken out of the detained vessel: Instructions  
nor is any part of her cargo, nor of the Slaves found on board to to Cruizers,  
be removed from her, until after such vessel shall have been Sect. 4.  
delivered over to the French Authorities, excepting only when

Instructions  
to Cruizers,  
Sect. 4.

Instructions  
to Cruizers,  
Sect. 4.  
Form No. 3.

the removal of the whole, or of part of the crew, or of the Slaves found on board shall be deemed necessary, either for the preservation of their lives, or for any other consideration of humanity, or for the safety of the persons charged with the navigation of the vessel.

In case of any such removal, you or the Officer appointed to bring in the detained vessel, are to make a declaration thereof, according to Form No. 3, in which the reasons for the same are to be specified; and the Master, Officers, sailors, passengers, or Slaves, so removed, must be conducted immediately to the same port as the vessel and its cargo.

PROCEED-  
INGS AT THE  
PORT OF AD-  
JUDICATION.

Instructions  
to Cruizers,  
Sect. 6.

Instructions  
to Cruizers,  
Sect. 6.  
Form No. 8.

Instructions  
to Cruizers,  
Sect. 6.  
Form No. 9.

The Officer bringing in a detained vessel to one of the places above mentioned, will forthwith apply to the Governor or Acting Governor to indicate the Authorities duly appointed to receive the vessel; and upon such information reaching him, he will lose no time in delivering over to such authority, the vessel and her cargo, together with all the persons and Slaves found on board her. He is at the same time to deliver to the appointed authorities, in order to be produced before the Court on trial,—

*First.* Duplicate list of the papers which shall at any time have been found on board the vessel, drawn up at the time of seizure, according to Form No. 8.

*Secondly.* Duplicate of the authenticated declaration, drawn up also at the time of seizure, according to Form No. 9; and the Officer in charge will add thereto a statement of any changes which may have taken place since the time of detention.

*Thirdly.* If any removal of the crew or Slaves shall have taken place as mentioned in the Instructions to Cruizers, Section 4, he will deliver in to the Court the declaration of such removal according to Form No. 3.

*Fourthly.* An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed.

This affidavit must verify the papers, and it must also attest the truth of the three preceding documents: Form No. 10 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

The Officer in charge of the vessel will reserve, to be produced on demand of the Court, the other documents with which he will have been furnished, namely:—

1. Copies of the Warrant and Special Order to carry the Treaty into effect.
2. Copy of the certificate No. 1 or No. 2, as the case may have been, delivered to the Master before making the search.

After the proper documents have been delivered to the Authorities, the Conventions require them to proceed to a survey of the detained vessel and her cargo, and to an inspection of her crew, and of the Slaves, previously giving notice of the time of such survey to the Officer who shall have brought in the vessel, in order that he, or some person in his behalf, may be present

Supplemen-  
tary Con-  
vention;  
Art. IV.

theret. A detailed statement of these proceedings is to be drawn up in duplicate, signed by the persons who shall have acted therein, or been present at the same, and one of the said statements is to be delivered to the Officer who shall have brought in the detained vessel.

The Officer in charge will render every assistance in his power to the French Authorities, for the complete and effectual investigation of the case.

When a French merchant-vessel shall have been searched and detained illegally, or without sufficient cause of suspicion, or when the search and detention shall have been attended with any abuse of authority, or vexatious acts, the Officer in fault will be liable to pay costs and damages to the Master, and to the owners of the vessel and cargo.

These costs and damages may be awarded by the Tribunal before which the proceedings shall have been instituted.

You will not fail to afford to the Commanders of French ships Convention; of war, cordial assistance in all circumstances in which it may be Art. V. useful that you should act in concert under these Conventions; in all your proceedings, both on board and on shore, you will conduct yourself with the greatest forbearance and courtesy; and in all your communications with French Authorities, will treat them with respect and consideration, and carefully avoid giving any just grounds of offence.

If on any occasion of searching or detaining a French vessel a French ship of war should make her appearance, and her Commander should desire to take charge of the vessel, you will readily give her up.

You will be furnished with particular signals, to be used Convention; upon occasion of meeting with French ships of war also author- Art. VIII. ized to act under these Conventions, which signals are not to be made known to any ship not employed upon this service.

All French ships of war duly authorized under these Conventions have the same right of search and detention with respect to British merchant-vessels suspected of being engaged in Slave Trade as may be exercised by Her Majesty's ships duly authorized with respect to French merchant-vessels.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms 1, 2, 3, 8, 9, 10, apply to this Treaty.]

## 6.—DENMARK.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Treaty of the 26th of July, 1834, between Great Britain, France, and Denmark, for the Suppression of the Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

Ratifications exchanged Oct. 19, 1834.

By the Treaty of the 26th of July, 1834, between Great Britain, France, and Denmark, the King of Denmark, subject to modifications as hereinafter set forth, acceded to the Convention of the 30th November, 1831, and the Supplementary Convention of the 22nd March, 1833, between Great Britain and France, and to the Annex to the latter Convention, containing Instructions to Cruizers.

Your conduct in suppressing the Slave Trade carried on in Danish vessels, must be governed and regulated by the Treaty, the Convention, and the Instructions to Cruizers.

The following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the same into effect.

AUTHORITY  
TO ACT  
UNDER THE  
TREATY.

Convention of Nov. 30, 1831, with France;

Do., Art. V.

The right of searching Danish merchant-vessels is to be exercised only by British ships of war whose commanders have the rank of Captain, or at least that of Lieutenant in the Navy, and who are duly provided with special authority from each of the two Governments; namely, a Warrant from the Danish Government, and a Special Order from the Admiralty; but when furnished with these documents they are authorized to visit, search, and detain, under the conditions prescribed by the said Treaty and Conventions, any Danish merchant-vessel which, upon reasonable grounds, may be suspected of being engaged in the Slave Trade.

VISIT AND  
SEARCH.

Instructions to Cruizers, Sect. 1.

Convention of Nov. 30, 1831;

Art. VIII.

The authority to visit and search must be exercised under the following restrictions and regulations:—

*First.* Search is to be made only by you, or if not made by you, by an Officer of your ship not under the rank of Lieutenant in the Navy.

*Secondly.* In no case can the Right of Search be exercised on ships of war.

*Thirdly.* The Right of Search can be exercised only within the waters hereinafter described, namely:—

1. Along the western coast of Africa from Cape Verd to the distance of ten degrees south of the Equator; that is to say, from the 15th degree of North latitude to the 10th degree of South latitude, and as far as the 30th degree of West longitude, reckoning from the meridian of Paris.

Mem. 27°  
40' West of  
Greenwich.

2. All round the Island of Madagascar to the extent of about twenty leagues from that island.

3. To the same distance from the coasts of the Island of Cuba.

4. To the same distance from the coasts of the Island of Porto Rico.

5. To the same distance from the coasts of Brazil.

A suspected vessel descried and begun to be chased by you whilst within the said space of twenty leagues, may be searched by you beyond those limits, if, without having lost sight of the suspected vessel, you should succeed in coming up with her though at a greater distance from the coast.

*Fourthly.* If you should have reason to suspect that a Danish merchant-vessel sailing under convoy of or in company with a Danish ship of war, is engaged in Slave Trade, or has been fitted out for that Traffic, you are to confine yourself to communicating your suspicions to the Commander of the convoy, or of the ship of war in company, and to leave it to the Danish Officer to proceed alone to visit the suspected vessel and to deliver her up, if the case require it, to the jurisdiction of her own country.

Instructions  
to Cruizers,  
Sect. 7.

If the Commander of the convoy omit to fulfil the provisions of the Treaty and Conventions, you have no authority to take any further steps.

Should the Commander of a Danish ship of war duly authorized to act under the Treaty and Conventions, declare to you that he suspects any British vessel under your convoy, or in company, to be engaged in the Slave Trade, or to have been fitted out for that Traffic, you are to proceed alone to visit the suspected vessel, and make the strictest investigation into the circumstances, and if the case require it, you will seize her and send her in for trial before a British tribunal.

A full report of the circumstances relating to any British or Danish vessel so met with under convoy must be made to the Officer under whose orders you are serving, and a duplicate of the Report is to be sent at the earliest opportunity to the Admiralty.

#### The following Article requires particular attention :—

Whenever a Danish vessel is visited by you, you are immediately on coming on board, and before you begin the search, to exhibit to her Master the documents which confer on you the Right of Search, namely, the Warrant from the Danish Government and the Special Order from the Admiralty, and you are to deliver to the Master a certificate, signed by yourself, according to Form No. 1, furnished herewith.

Convention  
of Nov. 30,  
1881;  
Art. VI.  
Instructions  
to Cruizers,  
Sect. 1.

Form No. 1.  
Instructions

When the visit is made by an Officer under your command,

to Cruizers, such Officer is to exhibit to the Master of the Danish vessel, Sect. 1. copies of the above-mentioned Warrant and Special Order, signed by you, and he is then to deliver a certificate signed by Form No. 2. himself, according to Form No. 2.

Convention of Nov. 30, 1831; Art. VI. Instructions to Cruizers, Sect. 1. Should it appear that the papers of the vessel are regular and her proceedings lawful, the Officer is to certify on the log-book of the vessel that the examination took place only in virtue of the special authority above mentioned; and these formalities having been completed, the vessel is to be at liberty to pursue her voyage.

**DETENTION.** It will be your duty, when duly authorized under this Treaty, to seize any Danish vessel found where search is permitted, whenever it shall appear,—

*First.* That Slaves are on board contrary to the Treaty and Convention.

*Secondly.* That the vessel is engaged in the Slave Trade.

*Thirdly.* That the vessel has on board any of the fittings or equipments mentioned in Article VI of the Supplementary Convention with France, excepting in the particular cases wherein it is provided to the contrary by Sections 6 and 9 of the said Article.

If you should determine to detain the vessel, you are forthwith to take possession of the ship's papers and of all other documents and letters found on board, and to cause a list to be made out thereof in duplicate, according to Form No. 8, verifying the same by your signature.

You are also at the time of seizure, to make out and sign in Form No. 9. duplicate a declaration, according to Form No. 9.

A duplicate original of both these documents is to be sent, together with the captured vessel, to the Danish Authorities, as hereinafter directed.

**CONDUCTING TO THE PORT OF ADJUDICATION.** In the event of your detaining a Danish vessel, you must without delay either carry her in for trial yourself, or send her in charge of an Officer not below the rank of Lieutenant in the Navy; and in the latter case that Officer must be provided with copies certified by you, of the Warrant and Special Order authorizing you to carry the Treaty into effect, and of the certificate contained in Form No. 1, if the vessel had been searched by you, or in Form No. 2, if she had been searched by an Officer under your command.

Danish vessels detained on the American station are to be carried and delivered to the Danish Authorities in the Island of Santa Cruz.

Do. Do. On the African station, to the Authorities at the Fort of Christianburgh on the Gold Coast.

Do. Do. If detained on the Madagascar station, to one or other of the above places: or to the Danish Authorities at Tranquebar, in the East Indies, if circumstances should render it desirable.

Instructions: No persons whatever are to be taken out of the detained

vessel, nor any part of her cargo, nor of the Slaves found on board, to be removed from her, until after such vessel shall have been delivered over to the Danish Authorities, excepting only when the removal of the whole, or of part of the crew, or of the Slaves found on board, shall be deemed necessary either for the preservation of their lives, or for any other consideration of humanity, or for the safety of the persons charged with the navigation of the vessel.

Sect. 4.

In case of any such removal, you, or the Officer appointed to bring in the detained vessel, as the case may be, are to make a declaration thereof, according to Form No. 3, in which the reasons for the same are to be specified; and the Master, Officers, sailors, passengers, or Slaves so removed, must be conducted immediately to the same port as the vessel and its cargo.

The Officer bringing in a detained vessel to one of the places above mentioned, is forthwith to apply to the Governor or Acting Governor to indicate the Authorities duly appointed to receive the vessel; and upon such information reaching him, he will lose no time in delivering over to such Authorities, the vessel and her cargo, together with all the persons and Slaves found on board her. He is at the same time to deliver to the appointed Authorities, in order to be produced before the Court on trial, —

PROCEEDINGS AT THE PORT OF ADJUDICATION.

Instructions to Cruizers, Sect. 6.

*First.* Duplicate list of the papers which shall at any time have been found on board the vessel, drawn up at time of seizure, according to Form No. 8.

Instructions to Cruizers, Sect. 6.

Form No. 8.

*Secondly.* Duplicate of the authenticated declaration drawn up also at the time of seizure, according to Form No. 9; and the Officer in charge will add thereto a statement of any changes which may have taken place since the time of detention.

Instructions to Cruizers, Sect. 6.

Form No. 9.

*Thirdly.* If any removal of the crew or Slaves shall have taken place, as mentioned in the Instructions to Cruizers, Section 4, he will deliver in to the Court the declaration of such removal, according to Form No. 3.

Form No. 3.

*Fourthly.* An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed. This affidavit must verify the papers, and it must also attest the truth of the three preceding documents: Form No. 10 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

Form No. 10.

The Officer in charge of the vessel will reserve, to be produced on demand of the Court, the other documents with which he will have been furnished, namely: —

1. Copies of the Warrant and Special Order to carry the Treaty into effect.

2. Copy of the certificate No. 1 or No. 2, as the case may have been, delivered to the Master before making the march.

After the proper documents have been delivered to the Authorities, the Conventions require them to proceed to a survey of the detained vessel and her cargo, and to an inspection

Supplementary Convention with

France; Art. IV.

of her crew, and of the Slaves, previously giving notice of the time of such survey to the Officer who shall have brought in the vessel, in order that he, or some person in his behalf, may be present thereat. A detailed statement of these proceedings is to be drawn up in duplicate, signed by the persons who shall have acted therein, or been present at the same, and one of the said statements is to be delivered to the Officer who shall have brought in the detained vessel.

The Officer in charge will render every assistance in his power to the Danish Authorities, for the complete and effectual investigation of the case.

Supplementary Convention; Art. VIII.

When a Danish merchant-vessel shall have been searched and detained illegally or without sufficient cause of suspicion, or when the search and detention shall have been attended with any abuse of authority or vexatious acts, the Officer in fault will be liable to pay costs and damages to the Master and to the Owners of the vessel and cargo.

These costs and damages may be awarded by the tribunal before which the proceedings shall have been instituted.

Convention of Nov. 30, 1831; Art. V.

You will not fail to afford to the Commanders of Danish ships of war cordial assistance in all circumstances in which it may be useful that they should act in concert under these Conventions; in all your proceedings, both on board and on shore, you will conduct yourself with the greatest forbearance and courtesy; and in all your communications with Danish Authorities, will treat them with respect and consideration, and carefully avoid giving any just ground of offence.

If on any occasion of searching or detaining a Danish vessel a Danish ship of war should make her appearance, and her Commander should desire to take charge of the vessel, you will readily give her up.

Convention of Nov. 30, 1831; Art. VIII.

You will be furnished with particular signals to be used upon occasions of meeting with Danish ships of war also authorized to act under these Conventions, which signals are not to be made known to any ship not employed upon this service.

All Danish ships of war, duly authorized under these Conventions, have the same right of search and detention, with respect to British merchant-vessels suspected of being engaged in Slave Trade, as may be exercised by Her Majesty's ships so authorized with respect to Danish merchant-vessels.

France is a party to this Treaty, and, as regards Denmark, is entitled to the same rights and subject to the same obligations as Great Britain.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms 1, 2, 3, 8, 9, 10, apply to this Treaty.]

## 7.—SARDINIA.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Treaty of the 8th of August, 1834, between Great Britain, France, and Sardinia, for the Suppression of the Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

By the Treaty of the 8th of August, 1834, between Great Britain, France, and Sardinia, the King of Sardinia, subject to the modifications as hereinafter set forth, acceded to the Convention of the 30th November, 1831, and the Supplementary Convention of the 22nd March, 1833, between Great Britain and France, and to the Annex to the latter Convention, containing instructions to Cruizers.

Ratifications exchanged Dec. 8, 1834.  
Treaty with Sardinia; Art. I.

Your conduct in suppressing Slave Trade carried on in Sardinian vessels must be governed and regulated by the Treaty, the Conventions, and Instructions to Cruizers.

The following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the same into effect.

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The right of searching Sardinian merchant-vessels is to be exercised only by British ships of war whose Commanders have the rank of Captain, or at least that of Lieutenant in the Navy, and who are duly provided with a special authority from each of the two Governments, namely, a Warrant from the Sardinian Government, and a Special Order from the Admiralty; but when furnished with these documents they are authorized to visit, search, and detain, under the conditions prescribed by the Treaty and Conventions, any Sardinian merchant-vessel which, upon reasonable grounds, may be suspected of being engaged in the Slave Trade.

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AUTHORITY  
TO ACT  
UNDER THE  
TREATY.

Convention  
of Nov. 30,  
1831; with  
France;  
Art. II.  
Do. Do.,  
Art. V.

The authority to visit and search must be exercised under the following restrictions and regulations:—

VISIT AND  
SEARCH.

First. Search is to be made only by you, or if not made by you, by an Officer of your ship, not under the rank of Lieutenant in the Navy.

Instructions  
to Cruizers,  
Sect. 1.

Secondly. In no case can the Right of Search be exercised on ships of war.

Convention  
of Nov. 30,  
1831;  
Art. VIII.

Convention  
of Nov. 30,  
1831;  
Art. I.

Mem. Long.  
27° 40' W.  
Greenwich.

Instructions  
to Cruizers,  
Sect. 7.

*Thirdly.* The Right of Search can be exercised only within the waters hereinafter described, namely:—

1. Along the Western Coast of Africa from Cape Verd to the distance of ten degrees south of the equator; that is to say from the 15th degree of North latitude to the 10th degree of South latitude, and as far as the 30th degree of West longitude reckoned from the meridian of Paris.

2. All round the Island of Madagascar to the extent of about twenty leagues from that island.

3. To the same distance from the coasts of the Island of Cuba.

4. To the same distance from the coasts of the Island of Porto Rico.

5. To the same distance from the coasts of Brazil.

A suspected vessel descried and begun to be chased by you whilst within the said space of twenty leagues, may be searched by you beyond those limits, if, without having lost sight of the suspected vessel, you should succeed in coming up with her though at a greater distance from the coast.

*Fourthly.* If you should have reason to suspect that a Sardinian merchant-vessel sailing under convoy of or company with Sardinian ship of war, is engaged in Slave Trade, or has been fitted out for that Traffic, you are to confine yourself to communicating your suspicions to the Commander of the convoy or the ship of war in company, and to leave it to the Sardinian Officer to proceed alone to visit the suspected vessel and deliver her up, if the case require it, to the jurisdiction of his own country.

If the Commander of the convoy omit to fulfil the provisions of the Conventions, you have no authority to take any further steps.

Should the Commander of a Sardinian ship of war be authorized to act under the Conventions, declare to you, that I suspect any British vessel under your convoy, or in company to be engaged in the Slave Trade, or to have been fitted out for that Traffic, you are to proceed alone to visit the suspected vessel, and make the strictest investigation into the circumstances, and if the case require it, to seize her and send her for trial before a British tribunal.

A full report of the circumstances relating to any British or Sardinian vessels so met with under convoy, must be made to the Officer under whose orders you are serving; and a duplicate of the Report is to be sent at the earliest opportunity to the Admiralty.

The following Article requires particular attention:—

Convention  
of Nov. 30,  
1831;  
Art. VI.  
Instructions  
to Cruizers,  
Sect. 1.

Whenever a Sardinian vessel is visited by you, you are immediately on coming aboard, and before you begin the search to exhibit to her Master the documents which confer on you the Right of Search, namely, the Warrant from the Sardinian Government, and the Special Order from the Admiralty, and you

are to deliver to the Master a certificate, signed by yourself, according to Form No. 1, furnished herewith.

Form No. 1.

When the visit is made by an Officer under your command, such Officer is to exhibit to the Master of the Sardinian vessel copies of the above-mentioned Warrant and Special Order, signed by you, and he is then to deliver a certificate, signed by himself, according to Form No. 2.

Instructions to Cruizers, Sect. 1.

Should it appear that the papers of the vessel are regular and her proceedings lawful, the Officer is to certify on the log-book of Nov. 30, 1831: of the vessel, that the examination took place only in virtue of Art. VI. the special authority above mentioned; and these formalities having been completed, the vessel is to be at liberty to pursue Instructions to Cruizers, Sect. 1. her voyage.

Form No. 2.

It will be your duty, when duly authorized under this Treaty, DETENTION. to seize any Sardinian vessel found where search is permitted, whenever it shall appear,

*First.* That Slaves are on board, contrary to the Conventions.

*Secondly.* That the vessel is engaged in the Slave Trade.

Instructions to Cruizers, Sect. 2.

*Thirdly.* That the vessel has on board any of the fittings or equipments mentioned in Article VI of the Supplementary Convention with France, excepting in the particular cases wherein it is provided to the contrary by Sections 6 and 9 of the said Article.

Supplementary Convention; Art. VI.

If you should determine to detain the vessel, you are forth- Instructions to Cruizers, Sect. 2. with to take possession of the ship's papers and of all other documents and letters found on board, and cause a list to be made of thereof in duplicate, according to Form No. 8, verifying the Form No. 8. same by your signature.

You are also at the time of seizure to make out and sign in duplicate a declaration, according to Form No. 9.

Form No. 9.

A duplicate original of both these documents is to be sent, together with the captured vessel, to the Sardinian Authorities, as hereinafter directed.

In the event of your detaining a Sardinian vessel, you must without delay either carry her in for trial yourself, or send her in charge of an Officer not below the rank of Lieutenant in the Navy; and in the latter case that Officer must be provided with copies certified by you of the Warrant and Special Order authorizing you to carry the Treaty and Conventions into effect, and of the certificate contained in Form No. 1, if the vessel has been searched by you, or in Form No. 2, if she had been searched by an Officer under your command.

CONDUCT-  
ING TO THE  
PORT OF AD-  
JUDICATION.

Sardinian vessels detained by Her Majesty's ships under this Treaty, are to be conducted or sent to the port of Genoa.

Supplemen-  
tary Conven-  
tion; Art. I.

Slaves found on board a Sardinian vessel are to be landed at one of the four under-mentioned ports which shall be nearest to the place of capture, namely, Bathurst on the Gambia, Port Royal in Jamaica, the Cape of Good Hope, or Demerara.

Instructions to Cruizers, Section 3.

Treaty with  
Sardinia;  
Art. IV.Additional Article to  
Treaty with  
Sardinia, 8th  
December,  
1834.

The Officer in charge of the detained vessel is to deliver up the Slaves to the order of the Governor of the colony, taking from the person who shall receive them a receipt in duplicate.

None of the Slaves found on board a Sardinian vessel are to be removed from her until after her arrival at one of the above ports, excepting only where the removal of the whole or of part of them shall be deemed necessary either for the preservation of their lives, or for any other consideration of humanity.

Instructions  
to Cruizers,  
Section 4.

Instructions  
to Cruizers,  
Section 4.

No other person whatever is to be taken out of the detained vessel; nor is any part of her cargo to be removed from her until after such vessel shall have been delivered over to the Sardinian authorities, excepting only when the removal of the whole or of part of the crew shall be deemed necessary, either for the preservation of their lives, or for any other consideration of humanity, or for the safety of the persons charged with the navigation of the vessel.

Instructions  
to Cruizers,  
Section 4.

Form No. 3.

If any removals shall have taken place in either of the above-mentioned cases, you, or the Officer appointed to bring in the detained vessel, as the case may be, are to make a declaration thereof, according to Form No. 3, in which the reasons for the same are to be specified.

If the Slaves have been so removed, they must be immediately conducted to one of the four ports already named for that purpose. If the Master, Officers, sailors, or passengers, have been so removed, they must be conducted immediately to the port of Genoa.

PROCEEDINGS  
AT THE PORT  
OF ADJUDI-  
CATION.

Instructions  
to Cruizers,  
Sect. 6.

The Officer bringing in a detained vessel to the port of Genoa will forthwith apply to the Governor or Acting Governor to indicate the Authorities duly appointed to receive the vessel; and upon such information reaching him, he will lose no time in delivering over to such Authorities, the vessel and her cargo, together with all the persons found on board her, the Slaves being previously landed according to the Treaty. He is at the same time to deliver to the appointed Authorities, in order to be produced before the Court on trial,—

Instructions  
to Cruizers,  
Sect. 6.  
Form No. 8.

Instructions  
to Cruizers,  
Sect. 6.  
Form No. 2.

*First.* Duplicate list of the papers which shall at any time have been found on board the vessel, drawn up at time of seizure, according to Form No. 8.

*Secondly.* Duplicate of the authenticated declaration, drawn up also at the time of seizure, according to Form No. 9; and the Officer in charge will add thereto a statement of any changes which may have taken place since the time of detention.

Form No. 3.

*Thirdly.* If any removal of the crew or Slaves shall have taken place as mentioned in the Instructions to Cruizers, Section 4, he will deliver in to the Court the declaration of such removal, according to Form No. 3.

*Fourthly.* An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed. This affidavit must verify the papers, and it must also attest the truth of the three preceding documents:

Form No. 10 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

*Fifteen.* A duplicate of the receipt for all Slaves landed.

The Officer in charge of the vessel will reserve, to be produced on demand of the Court, the other documents with which he will have been furnished, namely:—

1. Copies of the Warrant and Special Order to carry the Treaty into effect.

2. Copy of the certificate No. 1 or No. 2, as the case may have been, delivered to the Master before making the search.

After the proper documents have been delivered to the Authorities, the Conventions require them to proceed to a survey of the detained vessel and her cargo, and to an inspection of her crew, previously giving notice of the time of such survey to the Officer who shall have brought in the vessel, in order that he, or some person in his behalf, may be present thereat. A detailed statement of these proceedings is to be drawn up in duplicate, signed by the persons who shall have acted therein, or been present at the same, and one of the said statements is to be delivered to the Officer who shall have brought in the detained vessel.

Supplementary Convention;  
Art. IV.

The Officer in charge will render every assistance in his power to the Sardinian Authorities, for the complete and effectual investigation of the case.

When a Sardinian merchant-vessel shall have been searched and detained illegally, or without sufficient cause of suspicion, or when the search and detention shall have been attended with any abuse of authority, or vexatious acts, the Officer in fault will be liable to pay costs and damages to the Master, and to the Owners of the vessel and cargo.

Supplementary Convention;  
Art. VIII.

These costs and damages may be awarded by the Tribunal before which the proceedings shall have been instituted.

You will not fail to afford to the Commanders of Sardinian ships of war, cordial assistance in all circumstances in which it may be useful that you should act in concert under these Conventions; in all your proceedings, both on board and on shore, you will conduct yourself with the greatest forbearance and courtesy; and in all your communications with Sardinian Authorities, will treat them with respect and consideration, and carefully avoid giving any just ground of offence.

Convention  
of Nov. 30,  
1831; Art. V.

If on any occasion of searching or detaining a Sardinian vessel, a Sardinian ship of war should make her appearance, and her Commander should desire to take charge of the vessel, you will readily give her up.

You will be furnished with particular signals, to be used upon occasions of meeting with Sardinian ships of war also authorized to act under these Conventions, which signals are not to be made known to any ship not employed upon this service.

Convention  
of Nov. 30,  
1831; Art. VIII.

All Sardinian ships of war duly authorized under these Conventions have the same right of search and detention, with respect to British merchant-vessels suspected of being engaged

in Slave Trade, as may be exercised by Her Majesty's ships so authorized with respect to Sardinian merchant-vessels.

France is a party to this Treaty, and, as regards Sardinia, is entitled to the same rights, and subject to the same obligations as Great Britain.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms 1, 2, 4, 5, 6, 7, apply to this Treaty.]

## 8.—SPAIN.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Treaty between Great Britain and Spain, dated the 28th of June, 1835, for the Abolition of the Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

Ratifications exchanged Aug. 27, 1835. THE Treaty of the 28th of June, 1835, between Great Britain and Spain, has three Annexes, marked A, B, and C, which, by the terms of the Treaty, are declared to form an integral part thereof.

Annex A contains Instructions for the ships of the Royal Navies of both nations, employed to prevent the illicit Traffic in Slaves.

Annex B contains Regulations for the Mixed Courts of Justice to be established under the Treaty.

Annex C contains Regulations for the treatment of liberated Negroes, to which it is not necessary for naval officers to refer.

Your conduct in suppressing Slave Trade carried on in Spanish vessels, must be governed and regulated by the Treaty and its Annexes; and the following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the Treaty into effect.

AUTHORITY TO ACT UNDER THE TREATY. Commanders of Her Majesty's Ships are not authorised to search Spanish vessels under this Treaty, unless duly provided with the Instructions contained in Annex A, and with Special Orders from the Admiralty to carry the same into effect; but when furnished with these documents, they are authorized to

visit, search, and detain, under the conditions prescribed by the Annex A, Treaty, any Spanish vessel, which, upon reasonable grounds, may Art. I. be suspected of being engaged in the Slave Trade.

The authority to visit and search must be exercised under the <sup>VISIT AND SEARCH.</sup> following restrictions and regulations:—

*First.* Search is to be made only by you, or an Officer of your <sup>Treaty; Art. IV, Rule 3.</sup> ship not under the rank of Lieutenant of the Navy, unless he be <sup>Annex A,</sup> second in command of your ship. <sup>Art. II.</sup>

*Secondly.* In no case is the Right of Search to be exercised in <sup>Treaty; Art. IV, Rule 2.</sup> respect to a ship of the Royal Navy.

*Thirdly.* The Right of Search is not to be exercised in the <sup>Treaty; Art. IV, Rule 4.</sup> Mediterranean Sea, nor within the seas in Europe which lie without the Straits of Gibraltar, and to the northward of the 37<sup>th</sup> parallel of North latitude, and within and to the eastward of the meridian of longitude twenty degrees West of Greenwich.

*Fourthly.* If you should suspect that a Spanish vessel under <sup>Treaty; Art. V, Rule 3.</sup> convoy of a Spanish ship of war is engaged in Slave Trade, you are to communicate such suspicions to the Commander of the convoy, and offer to accompany him on the search to be made. The Commander of the convoy, accompanied by you, is to proceed to search the suspected vessel. If the suspicion appear well founded, the vessel is to be taken by the Commander of the convoy, before one of the Mixed Courts of Justice established under the Treaty.

Should the Commander of the convoy omit to fulfil the conditions of the Treaty, you have no authority to take any further steps.

In the case of a British vessel, sailing under your convoy being suspected of Slave Trade by a Commander of a Spanish ship of war, you will, on the Commander of the Spanish ship of war communicating to you his suspicions, invite the Spanish officer to accompany you in the search; and if the suspicions appear to be well founded, you will, if duly authorized under the Treaty, conduct or send the vessel to one of the ports where the <sup>Treaty; Art. V, Rule 3.</sup> Mixed Courts of Justice are stationed under the Treaty, in order that the case may be tried by the authorized tribunal\*.

In case an application, such as is above described, should be made to you, you will take care that the search and enquiry which is instituted shall be strict and satisfactory, and will treat the Spanish Commander with every courtesy and respect throughout the whole proceeding.

A full report of the circumstances relating to any British or Spanish vessels so met with under convoy, must be made to the Officer under whose orders you are serving, and a duplicate of the Report is to be sent to the Admiralty at the earliest opportunity.

\* If the Commander of the convoy be not duly authorized under this Treaty, he is to regulate his conduct with respect to the case by the Instructions as to British vessels suspected of Slave Trade.

Treaty; Art.  
IV, Rule 3.

The following Article requires particular attention:—  
Whenever a Spanish vessel is visited by you, you are, immediately upon coming on board the Spanish vessel, and before you begin the search, to exhibit to her Master the documents by which you are duly authorized to make the same, namely, the Instructions contained in Annex A, and Special Orders from the Admiralty to carry the Treaty into effect; and you are to deliver to the Spanish Master a certificate, signed by yourself, according to the Form No. 1, furnished herewith.

Form No. 1.

Form No. 2.

When the visit is made by an Officer under your command, such Officer is to exhibit to the Master of the Spanish vessel a copy of the above-mentioned Instructions and Special Orders, signed by you; he is then to deliver a certificate signed by himself, according to Form No. 2.

Should it appear that the papers of the vessel are in regular order, and that she is employed for lawful purposes, the officer is to enter in the log-book of the vessel, that the search has been made under the authority of the aforesaid documents; and the vessel is to be left at liberty to pursue her voyage.

DETENTION.

It will be your duty, when duly authorized under this Treaty, to seize any Spanish vessel found where search is permitted, whenever it shall appear,—

*First.* That Slaves are on board contrary to Treaty.

*Secondly.* That the vessel is, or has during the voyage been engaged in the Slave Trade.

*Thirdly.* That the vessel has on board any of the fittings or equipments mentioned in Article X of the Treaty, excepting in the particular cases wherein it is provided to the contrary by Sections 6 and 9 of the said Article.

Annex A,  
Art. III.

Form No. 4.

If you should determine to seize the vessel, you are forthwith to take possession of the ship's papers, and of all other documents and letters found on board, and cause a list to be made out thereof in duplicate, according to Form No. 4, verifying the same by your signature; and you will deliver to the Master of the seized vessel one of the said certified lists.

Form No. 5.

You are also at the time of seizure to draw up in writing a declaration, according to Form No. 5, and this declaration is to be signed by yourself, and to be given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be taken for adjudication.

CONDUCTING  
TO THE PORT  
OF ADJUDICA-  
TION.

Annex A,  
Art. I.

Form No. 1.

In the event of your seizing a Spanish vessel, you must without delay carry or send her in for trial before that one of the Mixed Courts of Justice established in virtue of the Treaty, which shall be nearest the place of detention, or which can be soonest reached from such place; and the Officer in charge must be provided with a copy, certified by you, of the Special Order authorizing you to carry the Treaty into effect, and of the certificate contained in Form No. 1, if the vessel had been searched

by you, or in Form No. 2, if she had been searched by an Officer Form No. 2, under your command.

There are two Mixed Courts of Justice appointed in pursuance of the Treaty: one at Sierra Leone, and one at the Havana.

You are to leave on board the seized vessel, the Master, the Annex A, mate, or boatswain, and two or three, at least, of the crew, the Arts. III and whole of the Slaves, if any, and all the cargo; unless urgent IV. reasons should require that the whole, or a portion of the Slaves, should be disembarked before the vessel can arrive at the place where the said Courts are established, and in this case you must draw out a certificate, in which you are to declare the necessity of the disembarkation, and the causes thereof, and this certificate is to be entered at the time on the log of the seized vessel.

As soon as the Officer in charge of the detained vessel shall have brought her to the place where the Mixed Court of Justice is sitting, he is to deliver to the Court,—

PROCEEDINGS  
AT THE PORT  
OF ADJUDICA-  
TION.

*First.* Duplicate of certificate delivered to the Master at the time of seizure, according to Form No. 4.

Form No. 4.

*Secondly.* Authenticated declaration drawn up also at the time of seizure, according to Form No. 5.

Form No. 5.

*Thirdly.* An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed; and this affidavit must verify the same: Form No. 6 is to be used for this purpose, unless there should be a Form No. 6, different Form prescribed by the Court.

*Fourthly.* Another affidavit, in which are to be stated any Annex A,  
changes which may have taken place in respect to the vessel, her Art. III.  
crew, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such papers: Form No. 7 is to be used for this purpose, unless there should be a Form No. 7, different Form prescribed by the Court.

The Officer in charge of the vessel will reserve, to be produced upon demand of the Court, the other documents with which he will have been furnished, namely:—

1. Copy of Special Order to carry the Treaty into effect.
2. Copy of certificate No. 1 or No. 2, as the case may have been, delivered to the Master on making the search.

The Officer will then, by himself or agent, proceed in the case, according to the forms of business in use in the Mixed Court of Justice, which he will learn upon application to the Registrar of the Court.

The Slaves are not to be landed without the permission of the Court of Justice.

The rights conferred by the Treaty must in every case and in Annex A,  
all stages be exercised in the mildest manner, and with every Art. II.  
attention which ought to be observed between allied and friendly nations; and you will bear in mind the responsibility of Great Treaty: Art. VI.  
Britain to see that any losses which Spanish subjects may suffer by the arbitrary or illegal detention of their vessels, shall be made good.

You will mark, that in case Her Majesty's Officers deviate in any respect from the stipulations of the Treaty, or the Instructions annexed to it, Her Majesty's Government, upon complaint, Treaty; Art. IX. is bound to cause enquiry to be made, and to inflict upon the offending Officer a punishment proportionate to any wilful transgression he may have committed.

Spanish ships of war duly authorized under the Treaty have the same right of search and detention, with respect to British merchant-vessels suspected of being engaged in Slave Trade, as may be exercised by Her Majesty's ships so authorized with respect to Spanish merchant-vessels.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms 1, 2, 3, 8, 9, 10, apply to this Convention.]

## 9.—HANSE TOWNS.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Convention of the 9th of June, 1837, between Great Britain, France, and the Hanse Towns, for the Suppression of the Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

Ratifications exchanged September 12, 1837.  
Convention with Hanse Towns; Art. I.

By the Convention of the 9th of June, 1837, between Great Britain, France, and the Hanse Towns, the free Hanseatic Cities of Lubeck, Bremen, and Hamburg, acceded to the Convention of the 30th November, 1831, and the Supplementary Convention of the 22nd March, 1833, between Great Britain and France for the suppression of the Traffic in Slaves, and to the Annex to the latter Convention, containing Instructions to Cruizers.

Your conduct in suppressing the Slave Trade carried on in Hanseatic vessels, must be governed and regulated by these three Conventions and the Instructions to Cruizers.

The following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the same into effect.

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AUTHORITY TO ACT UNDER The right of searching Hanseatic merchant-vessels is to be exercised only by British ships of war whose Commanders have the

rank of Captain, or at least that of Lieutenant in the Navy; and <sup>THE CONVENTION.</sup> such Commanders must be duly provided with a Special Order from the Admiralty, and a Warrant from that one of the three Hanseatic Cities to which the vessel to be searched may belong; but when furnished with these documents, they are authorized to visit, search, and detain, under the conditions prescribed by the said Conventions, any Hanseatic merchant-vessel which, upon reasonable grounds, may be suspected of being engaged in the Slave Trade.

Convention  
of November  
30, 1831, with  
France; Art.  
II.

The authority to visit and search must be exercised under <sup>VISIT AND  
SEARCH.</sup> the following restrictions and regulations:—

*First.* Search is to be made only by you, or, if not made by you, by an Officer of your ship not under the rank of Lieutenant in the Navy.

Instructions  
to Cruisers,  
Sect. 1.

*Secondly.* In no case can the Right of Search be exercised on ships of war.

Convention  
of November  
30, 1831;  
Art. VIII.  
Do., Art. I.

*Thirdly.* The Right of Search can be exercised only within the waters hereinafter described, namely:—

1. Along the western coast of Africa from Cape Verd to the distance of ten degrees south of the Equator; that is to say, from the 15th degree of North latitude to the 10th degree of South <sup>27° 40' West of</sup> Greenwich. reckoned from the meridian of Paris.

2. All round the Island of Madagascar, to the extent of about twenty leagues from that island.

3. To the same distance from the coasts of the Island of Cuba.

4. To the same distance from the coasts of the Island of Porto Rico.

5. To the same distance from the coasts of Brazil.

A suspected vessel descried and begun to be chased by you whilst within the said space of twenty leagues, may be searched by you beyond those limits, if without having lost sight of the suspected vessel, you should succeed in coming up with her though at a greater distance from the coast.

Instructions  
to Cruisers,  
Sect. 7.

*Fourthly.* If you should have reason to suspect that a Hanseatic merchant-vessel sailing under convoy of or in company with a Hanseatic ship of war, is engaged in Slave Trade, or has been fitted out for that Traffic, you are to confine yourself to communicating your suspicions to the Commander of the convoy, or of the ship of war in company, and to leave it to the Hanseatic Officer to proceed alone to visit the suspected vessel, and to deliver her up, if the case require it, to the jurisdiction of her own country.

If the Commander of the convoy omit to fulfil the provisions of the Conventions, you have no authority to take any further steps.

Should the Commander of a Hanseatic ship of war duly authorised to act under the Conventions, declare to you that he suspects any British vessel under your convoy, or in company,

to be engaged in the Slave Trade, or to have been fitted out for that Traffic, you are to proceed alone to visit the suspected vessel, and make the strictest investigation into the circumstances, and if the case require it, you will seize her and send her in for trial before a British tribunal.

A full report of the circumstances relating to any British or Hanseatic vessels so met with under convoy, must be made to the Officer under whose orders you are serving, and a duplicate of the Report is to be sent to the Admiralty at the earliest opportunity.

The following Article requires particular attention:—

Convention  
of Nov. 30,  
1831 :  
Article VI.  
Instructions  
to Cruizers,  
Sect. 1.

Form No. 1.  
  
Instructions  
to Cruizers,  
Sect. 1.

Form No. 2.  
  
Convention  
of Nov. 30,  
1831 :  
Art. VI.  
Instructions  
to Cruizers,  
Sect. 1.

Whenever a Hanseatic vessel is visited by you, you are, immediately on coming on board, and before you begin the search, to exhibit to her Master the documents which confer on you the Right of Search, namely, the Warrant from the Hanseatic City to which the vessel belongs, and the Special Order from the Admiralty; and you are to deliver to the Master a certificate, signed by yourself, according to Form No. 1, furnished herewith.

When the visit is made by an Officer under your command, such Officer is to exhibit to the Master of the Hanseatic vessel copies of the above-mentioned Warrant and Special Order, signed by you, and he is then to deliver a certificate signed by himself according to Form No. 2.

Should it appear that the papers of the vessel are regular and her proceedings lawful, the Officer is to certify on the log-book of the vessel that the examination took place only in virtue of the special authority above mentioned; and these formalities having been completed, the vessel is to be at liberty to pursue her voyage.

**DETENTION.**

It will be your duty, when duly authorized under this Convention, to seize any Hanseatic vessel found where search is permitted, whenever it shall appear,—

*First.* That Slaves are on board, contrary to the Conventions.

*Secondly.* That the vessel is engaged in the Slave Trade.

*Thirdly.* That the vessel has on board any of the fittings or equipments mentioned in Article VI of the Supplementary Convention with France, excepting in the particular cases wherein it is provided to the contrary by Sections 6 and 9 of the said Article.

If you should determine to detain the vessel, you are forthwith to take possession of the ship's papers and of all other documents and letters found on board, and to cause a list to be made out thereof in duplicate, according to Form No. 8, verifying the same by your signature.

You are also at the time of seizure to make out and sign in duplicate a declaration, according to Form No. 9. A duplicate original of both these documents is to be sent, together with

Instructions  
to Cruizers,  
Sect. 2.

Supplemen-  
tary Conven-  
tion ;  
Art. VI.

Instructions  
to Cruizers,  
Sect. 2.

Form No. 8.

Form No. 9.

the captured vessel, to the Hanseatic Authorities, as hereinafter directed.

In the event of your detaining a Hanseatic vessel, you must without delay either carry her in for trial yourself, or send her in charge of an Officer not below the rank of Lieutenant in the Navy; and in the latter case that Officer must be provided with copies, certified by the Commander, of the Warrant and Special Order authorizing him to carry the Conventions into effect, and of the certificate contained in Form No. 1, if the vessel has been searched by you, or in Form No. 2, if she has been searched by an Officer under your command.

Lubeck vessels detained under these Conventions shall be conducted or sent to Travemunde.

Bremen vessels to Bremerhaven.

Hamburg vessels to Cuxhaven.

CONDUCTING  
TO THE PORT  
OF ADJUDI-  
CATION.

Supplemen-  
tary Conven-  
tion : Art I.  
Instructions  
to Cruisers,  
Sect. 3.

Convention  
with the  
Hanse  
Towns ;  
Art. II.

If however the navigation of the Baltic should be interrupted or impracticable, Lubeck vessels detained as above mentioned may be delivered up at Bremerhaven or Cuxhaven.

Slaves found on board a Hanseatic vessel shall be landed at Do. Art. III. that one of the four undermentioned ports which shall be nearest Do. Do. to the place of capture, namely, Bathurst on the Gambia: Port Royal in Jamaica: the Cape of Good Hope: or Demerara.

The Officer in charge of the detained vessel shall deliver up Do. Do. the Slaves to the order of the Governor of the colony, taking from the person who shall receive them a receipt in duplicate.

No part of the Slaves found on board a Hanseatic vessel are Do. Do. to be removed from her until after her arrival at one of the above ports, excepting only where the removal of the whole or of part Instructions of them shall be deemed necessary, either for the preservation of to Cruisers, Sect. 4. their lives, or for any other consideration of humanity.

No other person whatever is to be taken out of the detained vessel; nor is any part of her cargo to be removed from her until after such vessel shall have been delivered over to the Hanseatic Authorities, excepting only when the removal of the whole or of part of the crew shall be deemed necessary, either for the preservation of their lives, or for any other consideration of humanity, or for the safety of the persons charged with the navigation of the vessel.

If any removals shall have taken place in either of the above-mentioned cases, you or the Officer appointed to bring in the detained vessel, as the case may be, will make a declaration thereof, according to Form No. 3, in which the reasons for the Form No. 3. name are to be specified.

If Slaves have been so removed they must be immediately conducted to one of the four ports already named for that purpose; if the Master, Officers, sailors or passengers, have been removed, they must be conducted immediately to the same port as the vessel and its cargo.

The Officer bringing in a detained vessel to one of the places PROCEEDINGS

## 58 INSTRUCTIONS UNDER CONVENTION WITH THE HANSE TOWNS.

AT THE PORT OF ADJUDICATION.—

Instructions to Cruisers, Sect. 6.  
above mentioned, will forthwith apply to the Governor or acting Governor to indicate the Authorities duly appointed to receive the vessel, and upon such information reaching him, he will lose no time in delivering over to the person appointed, the vessel and her cargo, together with all the persons found on board her, the Slaves being previously landed according to the Convention. He is at the same time to deliver to the proper Authorities, in order to be produced before the Court on trial,—

Instructions to Cruisers, Sect. 6.  
Form No. 8.  
Instructions to Cruisers, Section 6.  
Form No. 9.  
*First.* Duplicate list of papers which shall at any time have been found on board the vessel, drawn up at the time of seizure, according to Form No. 8.

*Secondly.* Duplicate of the authenticated declaration, drawn up also at the time of the seizure, according to Form No. 9; and the Officer in charge will add thereto a statement of any changes which may have taken place since the time of detention.

Form No. 3.  
*Thirdly.* If any removal of the crew or Slaves shall have taken place, as mentioned in the Instructions to Cruisers, Section 4, he will deliver in to the Court the declaration of such removal, according to Form No. 3.

Form No. 10.  
*Fourthly.* An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed. This affidavit must verify the papers, and must also attest the truth of the three preceding documents: Form No. 10 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

*Fifthly.* A duplicate of the receipt for all Slaves landed.

The Officer in charge of the vessel will reserve, to be produced on demand of the Court, the other documents with which he will have been furnished, namely:—

1. Copies of the Warrant and Special Order to carry the Treaty into effect.
2. Copy of the certificate No. 1 or 2, as the case may have been, delivered to the Master before making the search.

After the proper documents have been delivered to the Authorities, the Conventions require them to proceed to a survey of the detained vessel and her cargo, and to an inspection of her crew, previously giving notice of the time of such survey to the Officer who shall have brought in the vessel; in order that he, or some person in his behalf, may be present thereat. A detailed statement of these proceedings is to be drawn up in duplicate, signed by the persons who shall have acted therein, or been present at the same, and one of the said statements is to be delivered to the Officer who shall have brought in the detained vessel.

The Officer in charge will render every assistance in his power to the Hanseatic Authorities, for the complete and effectual investigation of the case.

Supplementary Convention;  
Art. IV.  
When a Hanseatic merchant-vessel shall have been searched and detained illegally, or without sufficient cause of suspicion, or when the search and detention shall have been attended with any abuse of authority, or vexatious acts, the Officer in fault will be liable to pay costs and damages to the Master and to the Owners of the vessel and cargo.

Supplementary Convention;  
Art. VIII.

These costs and damages may be awarded by the Tribunal before which the proceedings shall have been instituted.

You will not fail to afford to the Commanders of Hanseatic Convention ships of war, cordial assistance in all circumstances in which it of Nov. 30, 1831; Art. V.  
may be useful that you should act in concert under these Conventions; in all your proceedings, both on board and on shore, you will conduct yourself with the greatest forbearance and courtesy; and in all your communications with Hanseatic Authorities, will treat them with respect and consideration, and carefully avoid giving any just ground of offence.

If on any occasion of searching or detaining a Hanseatic vessel, a Hanseatic ship of war should make her appearance, and her Commander should desire to take charge of the vessel, you will readily give her up.

You will be furnished with particular signals, to be used Convention upon occasion of meeting with Hanseatic ships of war also of Nov. 30, 1831; Art. VIII.  
authorized to act under these Conventions, which signals are not to be made known to any ship not employed upon this service.

All Hanseatic ships of war duly authorized under these Conventions have the same right of search and detention with respect to British merchant-vessels suspected of being engaged in Slave Trade, as may be exercised by Her Majesty's ships so authorized with respect to Hanseatic merchant-vessels.

France is a party to this Convention, and, as regards the Hanse Towns, is entitled to the same rights and subject to the same obligations as Great Britain.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms 1, 2, 3, 8, 9, 10, apply to this Convention.]

## 10.—TUSCANY.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Convention of the 24th of November, 1837, between Great Britain, France, and Tuscany, for the more effectual Suppression of the Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

By the Convention of the 24th of November, 1837, between Great Britain, France, and Tuscany, the Grand Duke of Tuscany, Ratifications exchanged March 2, 1838, subject to modifications hereinafter set forth, acceded to the Con-

**Convention with Tuscany; Art. I.** vention of the 80th November, 1831, and the Supplementary Convention of the 22nd March, 1833, between Great Britain and France, and to the Annex to the latter Convention, containing Instructions to Cruizers.

Your conduct in suppressing Slave Trade carried on in Tuscan vessels, must be governed and regulated by these three Conventions and the Instructions to Cruizers.

The following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the same into effect.

**AUTHORITY  
TO ACT  
UNDER THE  
CONVENTION.**

**Convention of Nov. 30,  
1831, with  
France;  
Art. II.  
Do. Do.  
Art. V.**

The right of searching Tuscan merchant-vessels is to be exercised only by British ships of war whose Commanders have the rank of Captain, or at least that of Lieutenant in the Navy, and who are duly provided with a special authority from each of the two Governments, namely, a Warrant from the Tuscan Government and a Special Order from the Admiralty; but when furnished with these documents, they are authorized to visit, search, and detain, under the conditions prescribed by the Conventions, any Tuscan merchant-vessel which, upon reasonable grounds, may be suspected of being engaged in the Slave Trade.

**VISIT AND  
SEARCH.**

**Instructions  
to Cruizers,  
Sect. 1.**

**Convention  
of Nov. 30,  
1831; Art.  
VIII.  
Do. Art. I.**

The authority to visit and search must be exercised under the following restrictions and regulations:—

*First.* Search is to be made only by you, or, if not made by you, by an Officer of your ship, not under the rank of Lieutenant, in the Navy.

*Secondly.* In no case can the Right of Search be exercised on ships of war.

*Thirdly.* The Right of Search can be exercised only within the waters hereinafter described, namely:—

1. Along the western coast of Africa from Cape Verd to the distance of ten degrees south of the Equator; that is to say, from the 15th degree of North latitude to the 10th degree of 27° 40' W. of South latitude, and as far as the 30th degree of West longitude Greenwich reckoned from the meridian of Paris.

2. All round the Island of Madagascar to the extent of about twenty leagues from that island.

3. To the same distance from the coasts of the Island of Cuba.

4. To the same distance from the coasts of the Island of Porto Rico.

5. To the same distance from the coasts of Brazil.

A suspected vessel descried and begun to be chased by you within the said space of twenty leagues, may be searched by you beyond those limits, if, without having lost sight of the suspected vessel, you should succeed in coming up with her though at a greater distance from the coast.

**Instructions  
to Cruizers,  
Sect. 7.**

*Fourthly.* If you should have reason to suspect that a Tuscan merchant-vessel sailing under convoy of or in company with a

Tuscan ship of war, is engaged in Slave Trade, or has been fitted out for that traffic, you are to confine yourself to communicating your suspicions to the Commander of the convoy, or of the ship of war in company, and to leave it to the Tuscan Officer to proceed alone to visit the suspected vessel and to deliver her up, if the case require it, to the jurisdiction of her own country.

If the Commander of the convoy omit to fulfil the conditions of the Conventions, you have no authority to take any further steps.

Should the Commander of a Tuscan ship of war duly authorized to act under the Conventions, declare to you, that he suspects any British vessel under your convoy, or in company, to be engaged in the Slave Trade, or to have been fitted out for that traffic, you are to proceed alone to visit the suspected vessel and make the strictest investigation into the circumstances, and if the case require it, you will seize her and send her in for trial before a British tribunal.

A full report of the circumstances relating to any British or Tuscan vessels so met with under convoy, must be made to the Officer under whose orders you are serving, and a duplicate of the Report is to be sent at the earliest opportunity to the Admiralty.

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The following Article requires particular attention:—

Whenever a Tuscan vessel is visited by you, you are immediately on coming on board, and before you begin the search, to exhibit to her Master the documents which confer on you the Right of Search, namely, the Warrant from the Tuscan Government, and the Special Order from the Admiralty; and you are to deliver to the Master a certificate, signed by yourself, according to Form No. 1, furnished herewith.

Convention  
of Nov. 30,  
1831; Art. VI.  
Instructions  
to Cruisers,  
Sect. 1.

Form No. 1.

When the visit is made by an Officer under your command, such Officer is to exhibit to the Master of the Tuscan vessel copies of the above-mentioned Warrant and Special Order, signed by you, and he is then to deliver a certificate signed by himself, according to Form No. 2.

Instructions  
to Cruisers,  
Sect. 1.

Form No. 2.

Should it appear that the papers of the vessel are regular, and her proceedings lawful, the Officer is to certify on the log-book of the vessel that the examination took place only in virtue of the special authority above mentioned; and these formalities having been completed, the vessel is to be at liberty to pursue her voyage.

Convention  
of Nov. 30,  
1831; Art. VI.  
Instructions  
to Cruisers,  
Sect. 1.

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It will be your duty, when duly authorized under this Convention, to seize any Tuscan vessel found where search is permitted, wherever it shall appear,—

*First.* That Slaves are on board contrary to the Conventions. Instructions  
*Secondly.* That the vessel is engaged in the Slave Trade. to Cruisers,  
*Thirdly.* That the vessel has on board any of the fittings or Sect. 2.

equipments mentioned in Article VI of the Supplementary Convention with France, excepting in the particular cases wherein

Supplementary Convention;  
Art. VI.

it is provided to the contrary by Sections 6 and 9 of the said Article.

Instructions  
to Cruisers,  
Sect. 2.

If you should determine to detain the vessel, you are forthwith to take possession of the ship's papers, and of all other documents and letters found on board, and to cause a list to be made out thereof in duplicate, according to Form No. 8, verifying the same by your signature.

Form No. 8.

You are also at the time of seizure to make out and sign in duplicate a declaration, according to Form No. 9.

A duplicate original of both these documents is to be sent, together with the captured vessel, to the Tuscan authorities as hereinafter directed.

CONDUCTING  
TO THE PORT  
OF ADJU-  
CATION.

Supplemen-  
tary Conven-  
tion; Art. I.  
Instructions  
to Cruisers,  
Sect. 3.

Convention  
with Tus-  
can; Art. II.

Convention  
with Tus-  
can; Art.  
III.

Instructions  
to Cruisers,  
Sect. 4.

Instructions  
to Cruisers,  
Sect. 4.

Instructions  
to Cruisers,  
Sect. 4.

Form No. 3.

In the event of your detaining a Tuscan vessel, you must without delay either carry her in for trial yourself, or send her in charge of an Officer not below the rank of Lieutenant in the Navy; and in the latter case that Officer must be provided with copies certified by you, of the Warrant and Special Order authorizing you to carry the Conventions into effect, and of the certificate contained in Form No. 1, if the vessel has been searched by you, or in Form No. 2, if she has been searched by an Officer under your command.

Tuscan vessels detained by Her Majesty's ships under these Conventions, are to be conducted or sent to the port of Leghorn.

Slaves found on board a Tuscan vessel are to be landed at that one of the four under-mentioned ports which shall be nearest to the place of capture, namely: Bathurst on the Gambia, Port Royal in Jamaica, the Cape of Good Hope, or Demerara.

The Officer in charge of the detained vessel is to deliver up the Slaves to the order of the Governor of the colony, taking from the person who shall receive them a receipt in duplicate.

No part of the Slaves found on board a Tuscan vessel are to be removed from her until after her arrival at one of the above ports, excepting only where the removal of the whole or of part of them shall be deemed necessary, either for the preservation of their lives, or for any other consideration of humanity.

No other person whatever is to be taken out of the detained vessel; nor is any part of her cargo to be removed from her until after such vessel shall have been delivered over to the Tuscan Authorities, excepting only when the removal of the whole or of part of the crew shall be deemed necessary, either for the preservation of their lives, or for any other consideration of humanity; or for the safety of the persons charged with the navigation of the vessel.

If any removals shall have taken place in either of the above mentioned cases, you or the Officer appointed to bring in the detained vessel, as the case may be, will make a declaration thereof, according to Form No. 3, in which the reasons for the same are to be specified. If Slaves have been so removed, they must be immediately conducted to one of the four ports already named for that purpose. If the Master, Officer, sailors, or peo-

angers have been removed, they must be conducted immediately to the port of Leghorn.

The Officer bringing in a detained vessel to the port of Leghorn will forthwith apply to the Governor or Acting Governor to indicate the Authorities duly appointed to receive the vessel; and upon such information reaching him, he will lose no time in delivering over to such Authorities the vessel and her cargo, together with all the persons found on board her, the Slaves being previously landed according to the Convention. He is at the same time to deliver to the appointed Authorities, in order to be produced before the Court on trial, —

*First.* Duplicate list of the papers which shall at any time Instructions have been found on board the vessel, drawn up at time of to Cruisers, seizure, according to Form No. 8. Sect. 6.

*Secondly.* Duplicate of the authenticated declaration, drawn up also at the time of seizure, according to Form No. 9; and the Officer in charge will add thereto a statement of any changes which may have taken place since the time of detention.

*Thirdly.* If any removal of the crew or Slaves shall have taken place, as mentioned in the Instructions to Cruisers, Section 4, he will deliver in to the Court the declaration of such removal, according to Form No. 3.

Form No. 3.

*Fourthly.* An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed.

This affidavit must verify the papers, and it must also attest the truth of the three preceding documents: Form No. 10 must be used for this purpose, unless there should be a different Form prescribed by the Court.

*Fifthly.* Duplicate of the receipt for all Slaves landed.

The Officer in charge of the vessel will reserve, to be produced on demand of the Court, the other documents with which he will have been furnished, namely: —

1. Copies of the Warrant and Special Order to carry the Treaty into effect.

2. Copy of the certificate No. 1 or 2, as the case may have been, delivered to the Master before making the search.

After the proper documents have been delivered to the Authorities, the Conventions require them to proceed to a survey of the detained vessel and her cargo, and to an inspection of her crew, previously giving notice of the time of such survey to the Officer who shall have brought in the vessel, in order that he, or some person in his behalf may be present therat. A detailed statement of these proceedings is to be drawn up in duplicate, signed by the persons who shall have acted therein, or been present at the same, and one of the said statements is to be delivered to the Officer who shall have brought in the detained vessel.

The Officer in charge will render every assistance in his power to the Tuscan Authorities, for the complete and effectual investigation of the case.

PROCEEDINGS  
AT THE PORT  
OF ADJUDICA-  
TION.  
—  
Instructions  
to Cruisers,  
Sect. 6.

Instructions  
to Cruisers,  
Sect. 6.  
Form No. 8.

Instructions  
to Cruisers,  
Sect. 6.  
Form No. 9.

Form No. 3.

Supplemen-  
tary Conven-  
tion; Art. IV.

Supplementary Convention; Art. VIII.

When a Tuscan merchant-vessel shall have been searched and detained illegally, or without sufficient cause of suspicion, or when the search and detention shall have been attended with any abuse of authority or vexatious acts, the Officer in fault will be liable to pay costs and damages to the Master and to the Owners of the vessel and cargo.

These costs and damages may be awarded by the Tribunal before which the proceedings shall have been instituted.

Convention of Nov. 30, 1831; Art. V.

You will not fail to afford to the Commanders of Tuscan ships of war, cordial assistance in all circumstances in which it may be useful that you should act in concert under these Conventions; in all your proceedings, both on board and on shore, you will conduct yourselves with the greatest forbearance and courtesy; and in all your communications with Tuscan Authorities, will treat them with respect and consideration, and carefully avoid giving any just ground of offence.

If on any occasion of searching or detaining a Tuscan vessel, a Tuscan ship of war should make her appearance, and her Commander should desire to take charge of the vessel, you will readily give her up.

Convention of Nov. 30, 1831; Art. VIII.

You will be furnished with particular signals, to be used upon occasion of meeting with Tuscan ships of war also authorized to act under the Conventions, which signals are not to be made known to any ship not employed upon this service.

All Tuscan ships of war duly authorized under these Conventions have the same right of search and detention with respect to British merchant-vessels suspected of being engaged in Slave Trade, as may be exercised by Her Majesty's ships so authorized with respect to Tuscan merchant-vessels.

France is a party to this Convention, and, as regards Tuscany, is entitled to the same rights and subject to the same obligations as Great Britain.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

1.

2.

3.

[Forms 1, 2, 3, 8, 9, 10, apply to this Convention.]

## 11.—TWO SICILIES.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Convention of the 14th of February, 1838, between Great Britain, France, and the Two Sicilies, for the Suppression of the Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

By the Convention of the 14th of February, 1838, between Ratifications exchanged May 4, 1838.  
Great Britain, France, and the Two Sicilies, the King of the Two Sicilies, subject to modifications as hereafter set forth, acceded to the Convention of the 30th November, 1831, and the Supplementary Convention of the 22nd March, 1833, between Great Britain and France; and to the Annex to the latter Convention, Art. I. containing Instructions to Cruizers.

Your conduct in suppressing Slave Trade carried on in Sicilian vessels, must be governed and regulated by these three Conventions and the Instructions to Cruizers.

The following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the same into effect.

The right of searching Sicilian merchant-vessels is to be exercised only by British ships of war whose Commanders have the rank of Captain, or at least that of Lieutenant in the Navy, and who are duly provided with a special authority from each of the two Governments, namely, a Warrant from the Sicilian Government and a Special Order from the Admiralty; but when furnished with these documents, they are authorized to visit, search, and detain, under the conditions prescribed by the Conventions, any Sicilian merchant-vessel which, upon reasonable grounds, may be suspected of being engaged in the Slave Trade.

The authority to visit and search must be exercised under the following restrictions and regulations:—

First. Search is to be made only by you; or if not made by you, by an Officer of your ship, not under the rank of Lieutenant in the Navy.

Secondly. In no case can the Right of Search be exercised on ships of war.

Convention of Nov. 30, 1831; Art. VIII.

Convention  
of Nov. 30,  
1831;  
Art. I.

27° 40' West  
of Green-  
wich.

Instructions  
to Cruisers,  
Sect. 7.

*Thirdly.* The Right of Search can be exercised only within the waters hereinafter described, namely:—

1. Along the western coast of Africa from Cape Verd to the distance of ten degrees south of the Equator; that is to say, from the 15th degree of North latitude to the 10th degree of South latitude, and as far as the 30th degree of West longitude, reckoned from the meridian of Paris.

2. All round the Island of Madagascar to the extent of about twenty leagues from that island.

3. To the same distance from the coasts of the Island of Cuba.

4. To the same distance from the coasts of the Island of Porto Rico.

5. To the same distance from the coasts of Brazil.

A suspected vessel, descried and begun to be chased by you whilst within the said space of twenty leagues, may be searched by you beyond those limits, if, without having lost sight of the suspected vessel, you should succeed in coming up with her, though at a greater distance from the coast.

*Fourthly.* If you should have reason to suspect that a Sicilian merchant-vessel sailing under convoy of or in company with a Sicilian ship of war, is engaged in Slave Trade, or has been fitted out for that traffic, you are to confine yourself to communicating your suspicions to the Commander of the convoy, or of the ship of war in company, and to leave it to the Sicilian Officer to proceed alone to visit the suspected vessel, and to deliver her up, if the case require it, to the jurisdiction of her own country.

If the Commander of the convoy omit to fulfil the provisions of the Convention, you have no authority to take any further steps.

Should the Commander of a Sicilian ship of war, duly authorized to act under the Conventions, declare to you, that he suspects any British vessel under your convoy, or in company, to be engaged in the Slave Trade or to have been fitted out for that traffic, you are to proceed alone to visit the suspected vessel and make the strictest investigation into the circumstances, and if the case require it, to seize her and send her in for trial before a British tribunal.

A full report of the circumstances relating to any British or Sicilian vessels so met with under convoy, must be made to the Officer under whose orders you are serving, and a duplicate of the Report is to be sent at the earliest opportunity to the Admiralty.

The following Article requires particular attention:—

Whenever a Sicilian vessel is visited by you, you are immediately on coming on board, and before you begin the search, to exhibit to her Master the documents which confer on you the Right of Search, namely, the Warrant from the Sicilian Government and the Special Order from the Admiralty; and you are to deliver to the Master a certificate, signed by yourself, according to Form No. 1, furnished herewith.

Convention  
of Nov. 30,  
1831;  
Art. VI.  
Instructions  
to Cruisers,  
Sect. 1.

Form No. 1.

When the visit is made by an Officer under your command, such Officer is to exhibit to the Master of the Sicilian vessel copies of the above-mentioned Warrant and Special Order, signed by you, and he is then to deliver a certificate signed by himself, according to Form No. 2.

Should it appear that the papers of the vessel are regular, and her proceedings lawful, the Officer is to certify on the log-book of the vessel that the examination took place only in virtue of the special authority above mentioned; and these formalities having been completed, the vessel is to be at liberty to pursue her voyage.

It will be your duty, when duly authorized under this Convention, to seize any Sicilian vessel found where search is permitted whenever it shall appear.—

*First.* That Slaves are on board contrary to the Conventions.

*Secondly.* That the vessel is engaged in the Slave Trade.

*Thirdly.* That the vessel has on board any of the fittings or equipments mentioned in Article VI of the Supplementary Convention with France, excepting in the particular cases wherein it is provided to the contrary by Sections 6 and 9 of the said Article.

If you should determine to detain the vessel, you are forth- Instructions  
with to take possession of the ship's papers, and of all other to Cruisers,  
documents and letters found on board, and to cause a list to be Sect. 2.  
made out thereof in duplicate, according to Form No. 8, verify- Form No. 8.  
ing the same by your signature.

You are also at the time of seizure to make out and sign in duplicate a declaration, according to Form No. 9. A duplicate Form No. 9. original of both these documents is to be sent, together with the captured vessel, to the Sicilian Authorities, as hereinafter directed.

In the event of your detaining a Sicilian vessel, you must without delay either carry her in for trial yourself, or send her in charge of an Officer not below the rank of Lieutenant in the Navy; and in the latter case that Officer must be provided with copies, certified by you, of the Warrant and Special Order authorizing you to carry the Conventions into effect, and of the certificate contained in Form No. 1, if the vessel had been searched by you, or in Form No. 2, if she had been searched by an Officer under your command.

Sicilian vessels detained by Her Majesty's ships under Convention of Feb. 14, 1838, with Two  
these Conventions, are to be conducted or sent to the port of Naples.  
Sicilia.

**Slaves found on board a Sicilian vessel are to be landed at  
Art. IV.  
that one of the four under-mentioned ports which shall be nearest  
Do. Art. V.  
to the place of capture, namely, at Bathurst on the Gambia,  
Port Royal in Jamaica, the Cape of Good Hope, or at Demerara.**

The Officer in charge of the detained vessel is to deliver up

the Slaves to the order of the Governor of the colony, taking from the person who shall receive them a receipt in duplicate.

Instructions  
to Cruizers,  
Sect. 4.

No part of the Slaves found on board a Sicilian vessel are to be removed from her until after her arrival at one of the above ports, excepting only where the removal of the whole or of part of them shall be deemed necessary either for the preservation of their lives, or for any other consideration of humanity.

Instructions  
to Cruizers,  
Sect. 4.

No other person whatever is to be taken out of the detained vessel; nor is any part of her cargo to be removed from her until after such vessel shall have been delivered over to the Sicilian authorities, excepting only when the removal of the whole or of part of the crew shall be deemed necessary, either for the preservation of their lives, or for any other consideration of humanity, or for the safety of the persons charged with the navigation of the vessel.

Instructions  
to Cruizers,  
Sect. 4.

Form No. 3.

If any removals shall have taken place in either of the above-mentioned cases, you or the Officer appointed to bring in the detained vessel, as the case may be, will make a declaration thereof, according to Form No. 3, in which the reasons for the same are to be specified.

If Slaves have been so removed, they must be immediately conducted to one of the four ports already named for that purpose. If the Master, Officers, sailors, or passengers have been removed, they must be conducted immediately to the port of Naples.

PROCEEDINGS  
AT THE PORT  
OF ADJUDICA-  
TION.

Instructions  
to Cruizers,  
Sect. 6.

The Officer bringing in a detained vessel to the port of Naples will forthwith apply to the Government, to indicate the Authorities duly appointed to receive the vessel; and upon such information reaching him, he will lose no time in delivering over to the person appointed, the vessel and her cargo, together with all the persons found on board her, the Slaves being previously landed, according to the Convention. He is at the same time to deliver to the proper Authorities, in order to be produced before the Court on trial,—

Instructions  
to Cruizers,  
Sect. 6.

Form No. 8.

Instructions  
to Cruizers,  
Sect. 6.

Form No. 9.

Form No. 3.

*First.* Duplicate list of the papers which shall at any time have been found on board the vessel, drawn up at the time of seizure, according to Form No. 8.

*Secondly.* Duplicate of the authenticated declaration, drawn up also at the time of seizure, according to Form No. 9; and the Officer in charge will add thereto a statement of any change which may have taken place since the time of detention.

*Thirdly.* If any removal of the crew or Slaves shall have taken place as mentioned in the Instructions to Cruizers, Section 4, he will deliver in to the Court the declaration of such removal according to Form No. 3.

*Fourthly.* An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed.

This affidavit must verify the papers, and it must also attest the truth of the three preceding documents: Form No. 10 is to

be used for this purpose, unless there should be a different Form prescribed by the Court.

*Fifthly.* A duplicate of the receipt for all Slaves landed.

The Officer in charge of the vessel will reserve, to be produced on demand of the Court, the other documents with which he will have been furnished, namely:—

1. Copies of the Warrant and Special Order to carry the Treaty into effect.

2. Copy of the certificate No. 1 or 2, as the case may have been, delivered to the Master before making the search.

After the proper documents have been delivered to the Authorities, the Conventions require them to proceed to a survey of the detained vessel and her cargo, and to an inspection of her crew, previously giving notice of the time of such survey to the Officer who shall have brought in the vessel, in order that he, or some person in his behalf, may be present thereat. A detailed statement of these proceedings is to be drawn up in duplicate, signed by the persons who shall have acted therein, or been present at the same, and one of the said statements is to be delivered to the Officer who shall have brought in the detained vessel.

The Officer in charge will render every assistance in his power to the Sicilian Authorities, for the complete and effectual investigation of the case.

When a Sicilian merchant-vessel shall have been searched and detained illegally, or without sufficient cause of suspicion, or when the search and detention shall have been attended with any abuse of authority, or vexatious acts, the Officer in fault will be liable to costs and damages to the Master and to the Owners of the vessel and cargo.

These costs and damages may be awarded by the tribunal before which the proceedings shall have been instituted.

You will not fail to afford to the Commanders of Sicilian ships of war cordial assistance in all circumstances in which it may be useful that you should act in concert under these Conventions; in all your proceedings, both on board and on shore, you will conduct yourself with the greatest forbearance and courtesy; and in all your communications with Sicilian Authorities, will treat them with respect and consideration, and carefully avoid giving any just ground of offence.

If on any occasion of searching or detaining a Sicilian vessel, a Sicilian ship of war should make her appearance, and her Commander should desire to take charge of the vessel, you will readily give her up.

You will be furnished with particular signals to be used upon occasion of meeting with Sicilian ships of war also authorized to act under these Conventions, which signals are not to be made known to any ship not employed upon this service.

All Sicilian ships of war duly authorized under these Conventions, have the same right of search and detention with respect to British merchant-vessels suspected of being engaged in Slave Trade, as may be exercised by Her Majesty's ships so authorized with respect to Sicilian merchant-vessels.

France is a party to this Convention, and, as regards the Two Sicilies, is entitled to the same rights and subject to the same obligations as Great Britain.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms 4, 5, 6, 7, apply to this Treaty.]

## 12.—CHILE.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Treaty of the 19th of January, 1839, between Great Britain and Chile, for the Abolition of the Traffic in Slaves.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

Ratifications exchanged Aug. 6, 1842.  
Treaty; Art. XIII.

THE Treaty of the 19th of January, 1839, between Great Britain and Chile, has three Annexes, marked A, B, and C, which by the terms of the Treaty are declared to form an integral part thereof.

Annex A contains Instructions for the ships of the British and Chilian Navies employed to prevent the illicit Traffic in Slaves.

Annex B contains Regulations for the Mixed Courts of Justice to be established under the Treaty.

Annex C contains Regulations for the treatment of captured Negroes, to which it is not necessary for Naval Officers to refer.

There are also two Additional Articles to the Treaty, dated the same day with the Treaty itself.

There is also an Additional and Explanatory Convention, dated August 7, 1841.

Your conduct in suppressing Slave Trade carried on in Chilian vessels, must be governed and regulated by the Treaty, the Annexes, and the Additional Convention; and the following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the Treaty into effect.

AUTHORITY  
TO ACT UNDER  
THE TREATY.

Treaty; Arts. V, VI. Commanders of Her Majesty's Ships are not authorized to search Chilian vessels under this Treaty, unless duly provided with the Instructions contained in Annex A, and with Special

Orders from the Admiralty, to carry the same into effect; but when furnished with these documents, they are authorized to visit, search and detain, under the conditions prescribed by the Treaty, any Chilian merchant-vessel which, upon reasonable grounds, may be suspected of being engaged in Slave Trade.

Treaty;  
Art. IV.

The authority to visit and search must be exercised under VISIT AND SEARCH. the following restrictions and regulations:—

*First.* Search is to be made only by you, or by an Officer of your ship, not under the rank of Lieutenant in the Navy, unless he be second in command of your ship.

*Secondly.* The Right of Search can only be exercised with respect to merchant-vessels.

*Thirdly.* Search can only be made,—

Additional Convention;  
Art. II.

1. Along the western coast of Africa, from the 40th degree of South latitude, to the 25th degree of North latitude, and to the 27th degree of West longitude, from the meridian of Greenwich.

2. All round the Island of Madagascar to the extent of twenty leagues from that island.

3. The same distance from the coasts of the Island of Cuba.

4. The same distance from the coasts of the Island of Porto Rico.

5. The same distance from the coasts of Brazil.

Nevertheless, a suspected vessel descried and begun to be chased by you while within the said limits, may be searched beyond those limits, if, without having lost sight of the suspected vessel, you should succeed in coming up with her.

*Fourthly.* If you should suspect that a Chilian merchant-vessel under convoy of a Chilian ship of war is engaged in Slave Trade, you are to proceed to visit her in company with the Commander of the convoy, who, by the Treaty, is bound to give every facility to such visit, and to the eventual detention of the vessel by you, if required, and in all things to assist to the utmost of his power in the execution of the Treaty.

In case of your commanding a convoy, you are in like manner to permit a Chilian ship of war, duly authorized under the Treaty, to visit, in company with you, any British vessel under your convoy suspected of Slave Trade, and to give every facility to the visit, and to the eventual detention of the vessel, by the Chilian Commander, if required.

A full report of the circumstances relating to any British or Chilian vessels, so met with under convoy, must be made to the Officer under whose orders you are serving, and a duplicate of the Report is to be sent to the Admiralty at the earliest opportunity.

It will be your duty, when duly authorized under this Treaty, to seize any Chilian vessel found where search is permitted, whenever it shall appear,

DETENTION.

Treaty;  
Art. IV.

Treaty:  
Art. IX.

Annex A,  
Art. III.

Form No. 4.

Form No. 5.

CONDUCTING  
TO THE PORT  
OF ADJUDICA-  
TION.

Annex A,  
Art. I.

Treaty;  
Art. VII.

Annex A,  
Art. III.

Annex A,  
Art. IV.

PROCEEDINGS  
AT THE PORT  
OF ADJUDI-  
CATION.

Annex A,  
Art. III.  
Form No. 4.

Form No. 8.

*First.* That Slaves are on board contrary to Treaty.  
*Secondly.* That the vessel is, or has, during the voyage, been engaged in Slave Trade.

*Thirdly.* That the vessel has, or has had on board during the voyage, any of the fittings or equipments described in Article IX of the Treaty, excepting in the particular cases wherein it is provided to the contrary by Sections 6 and 9 of the said Article.

If you should determine to seize the vessel you are forthwith to take possession of the ship's papers, and of all other documents and letters found on board; and to cause a list to be made out thereof in duplicate, according to Form No. 4, verifying the same by your signature, and you will deliver to the Master of the seized vessel one of the said certificates.

You are also at the time of seizure to draw up in writing a declaration, according to Form No. 5, signed by yourself, which is to be given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be taken for adjudication.

In the event of your seizing a Chilian vessel, you must without delay either carry or send her in for trial, before that one of the Mixed Courts of Justice, established in virtue of the Treaty, which shall be nearest the place of detention, or which can soonest be reached from such place; and the Officer in charge must be provided with a copy certified by you, of the Special Order authorizing you to carry the Treaty into effect.

The Treaty provides that two Mixed Courts of Justice shall be established under this Treaty, one in Chile, the other in British Possession in Africa: the only Mixed Court of Justice at present established is at Sierra Leone; therefore all vessels detained under the Treaty are to be taken thither.

You are to leave on board the seized vessel, the Master, the mate or boatswain, and two or three at least of the crew, the whole of the Slaves, if any, and all the cargo; unless urgent reasons should require that the whole or a portion of the Slaves should be disembarked before the vessel can arrive at the Port of Adjudication, and in this case you must draw out a certificate, in which you will declare the necessity for the disembarkation, and the causes thereof, and this certificate is to be entered at the time on the log-book of the seized vessel.

*As soon as the Officer in charge of the seized vessel shall have brought her to the place where the Mixed Court of Justice is sitting, he is to deliver to the Court,—*

*First.* Duplicate of certificate delivered to the Master at the time of seizure, according to Form No. 4.

*Secondly.* Authenticated declaration drawn up also at the time of seizure, according to Form No. 5.

*Thirdly.* An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed; and this affidavit must verify the same: Form

No. 6 is to be used for this purpose, unless there should be a different Form No. 6.  
different Form prescribed by the Court.

*Fourthly.* An affidavit, in which are to be stated any changes which may have taken place in respect to the vessel, her crew, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such papers: Form No. 7 Form No. 7. is to be used for this purpose, unless there should be a different Form prescribed by the Court.

The Officer in charge of the vessel will reserve, to be produced upon demand of the Court, the copy of the Special Order to carry the Treaty into effect.

The Officer will then by himself or agent proceed in the case, according to the forms of business in use in the Mixed Court of Justice, which he will learn on application to the Registrar.

The Slaves are not to be landed without the permission of Annex A, Art. IV.  
the Mixed Court of Justice.

The rights conferred by the Treaty must in every case, and Annex A, Art. II. in all stages, be exercised in the mildest manner and with every attention which ought to be observed between friendly and allied nations; and you will bear in mind the responsibility of Great Britain to see that any losses which Chilian citizens may suffer Treaty: Art. VI. by the arbitrary or illegal detention of their vessels shall be made good.

You will mark that, in case Her Majesty's Officers deviate in any respect from the stipulations of the Treaty, or the Instructions annexed to it, Her Majesty's Government upon complaint is bound to cause enquiry to be made, and to inflict on the offending Officer a punishment proportionate to any wilful transgression he may have committed.

Chilian ships of war duly authorized under the Treaty, have the same right of search and detention, with respect to British merchant-vessels suspected of being engaged in Slave Trade, as may be exercised by Her Majesty's ships so authorized with respect to Chilian merchant-vessels.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms 4, 5, 6, 7, apply to this Treaty.]

### 13.—VENEZUELA.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Treaty of the 15th of March, 1839, between Great Britain and Venezuela, for the Abolition of the Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

**Ratifications exchanged Dec. 12, 1839.** By the Treaty of the 15th of March, 1839, between Great Britain and Venezuela, the Republic of Venezuela declares the Traffic in Slaves to be abolished for ever, defining such Traffic to be the Traffic carried on in Negroes brought from Africa in order to transport them to other parts of the world for sale.

**Treaty; Art. I.** This Treaty has one Annex, which, by the terms of the Treaty, is declared to form an integral part thereof.

This Annex contains Instructions for the ships of the British and Venezuelan Navies destined to prevent the illicit Traffic in Slaves.

Your conduct in suppressing Slave Trade carried on in Venezuelan vessels must be governed and regulated by the Treaty and its Annex; and the following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the Treaty into effect.

**AUTHORITY TO ACT UNDER THE TREATY.** Commanders of Her Majesty's ships are not authorized to search Venezuelan vessels unless duly provided with the Instructions contained in the Annex A, and with Special Orders from the Admiralty to carry the same into effect; but when furnished with these documents they are authorized to visit, search, and detain, under the conditions prescribed by the Treaty, any Venezuelan merchant-vessel which, upon reasonable grounds, may be suspected of being engaged in the Slave Trade.

**VISIT AND SEARCH.** The authority to visit and search must be exercised under the following restrictions and regulations:—

**Annex, Art. II.** *First.* Search is to be made only by you, or by an Officer of your ship, not under the rank of Lieutenant in the Navy, unless he be second in command of your ship.

**Treaty; Art. III.** *Secondly.* The Right of Search can only be exercised on merchant-vessels.

*Thirdly.* The Right of Search is to be exercised only within Treaty; Art. V.  
the following limits, viz.:—

1. Along the western coast of Africa, from Cape Verd to the distance of ten degrees south of the Equator; that is to say, from the 15th degree of North to the 10th degree of South latitude, and as far as the 40th degree of East longitude, reckoning from the meridian of Caracas.
2. All round the Island of Madagascar, to the extent of twenty leagues from that island.
3. The same distance from the coasts of the Island of Cuba.
4. The same distance from the coasts of the Island of Porto Rico.
5. The same distance from the coasts of Brazil.

Nevertheless, a suspected vessel descreed, and begun to be chased within the limits above specified, may be followed out of such limits, and searched by you, provided you had not during the chase lost sight of her.

*Fourthly.* If you should have reason to suspect that any Merchant-vessel, under the flag and proceeding under the convoy of any ship of the Venezuelan Navy, is concerned in the Slave Trade contrary to the Treaty, you are to visit the said vessel, provided it be within the limits, in company with the above Commander of the convoy, who, by the Treaty, is bound to give every facility to such visit, and to the eventual detention of the vessel by you, if required, and in all things to assist to the utmost of his power in the execution of this Treaty.

In case of your commanding a convoy you are in like manner to permit the Commander of a Venezuelan ship of war, duly authorized under this Treaty, to visit, in company with you, any British merchant-vessel under your convoy suspected of Slave Trade, and to give every facility to such visit, and to the eventual detention of the vessel by the Venezuelan Commander, if required.

A full report of the circumstances relative to any British or Venezuelan vessels so met with under convoy must be made to the Officer under whose orders you are serving, and a duplicate of the Report is to be sent to the Admiralty at the earliest opportunity.

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It will be your duty, when duly authorized under this Treaty, <sup>DETENTION.</sup> to seize any Venezuelan vessel found where search is permitted, whenever it shall appear,—

*First.* That Slaves for the purpose of traffic are or have been <sup>Annex.</sup> on board during the particular voyage on which the vessel may <sup>Art. I.</sup> be captured.

*Secondly.* That the vessel is or has been engaged in Slave Trade during the voyage.

*Thirdly.* That the vessel has on board any of the fittings or equipments described in Article X, excepting in the particular <sup>Treaty;</sup> cases wherein it is provided to the contrary by Sections 6 and 9 <sup>Art. X.</sup> of the said Article.

The carrying Slaves previously resident in the States of Vene- <sup>Treaty</sup> Art. I.

zuela from one port to another of that Republic, does not subject the vessel conveying them to seizure.

**Annex,  
Art. III.** If you should determine to seize the vessel, you are forthwith to take possession of the ship's papers and of all other documents and letters found on board, and to cause a list to be made out thereof in duplicate, according to Form No. 4, verifying the same by your signature; and you will deliver to the Master of the seized vessel one of the said certified lists.

**Form No. 4.** You are also, at the time of seizure, to draw up in writing a declaration, according to Form No. 5, and this declaration is to be signed by yourself, and given in or sent, together with the captured vessel, to the proper Authorities at the port to which such vessel shall be taken for adjudication.

**CONDUCTING  
TO THE PORT  
OF ADJUDICA-  
TION.**

**Annex,  
Art. I.**

**Annex,  
Art. V.**

**Annex,  
Art. IV.**

In the event of your seizing a Venezuelan vessel, you must without delay carry or send her in for trial to that port of Venezuela which shall be nearest the place of detention, or can be soonest reached from such place; and the Officer in charge must be provided with a copy, certified by you, of the Special Order authorizing you to carry the Treaty into effect.

Slaves found on board a Venezuelan vessel are to be landed at that one of the four undermentioned ports which shall be nearest to the place of capture: namely, Bathurst on the Gambia, Port Royal in Jamaica, the Cape of Good Hope, or Demerara.

The Officer in charge of the detained vessel is to deliver up the Slaves to the order of the Governor of the Colony, taking from the person who shall receive them a receipt in duplicate.

No part of the Slaves found on board a Venezuelan vessel is to be removed from her until after her arrival at one of the above ports; excepting only where the removal of the whole, or of part of them, shall be deemed necessary, either for the preservation of their lives, or for any other consideration of humanity.

No other person whatever is to be taken out of the detained vessel; nor is any part of her cargo to be removed from her until after such vessel shall have been delivered over to the Venezuelan Authorities, excepting only when the removal of the whole or of part of the crew shall be deemed necessary, either for the preservation of their lives, or for any other consideration of humanity, or for the safety of the persons charged with the navigation of the vessel.

If any removals shall have taken place in either of the above-mentioned cases, you, or the Officer appointed to bring in the detained vessel, as the case may be, will make a declaration thereof, in which the reasons for the same are to be specified; and this declaration is to be entered at the time on the log-book of the detained vessel.

If the Slaves have been so removed they must be immediately conducted to one of the four ports already named for that purpose. If the Master, Officers, sailors, or passengers, have been so removed, they must be conducted immediately to the same port as the vessel and cargo.

As soon as the Officer in charge of the seized vessel shall have brought her to a Venezuelan port, he is to apply to the principal functionary of the Venezuelan Government to indicate the Authorities duly appointed to receive possession of the vessel; and upon such information reaching him, he will lose no time in delivering over to such Authorities the vessel and her cargo, together with all the persons found on board her, excepting the Slaves who have been previously landed according to Treaty. He is at the same time to deliver to the appointed Authorities, in order to be produced before the Court, on trial,—

PROCEEDINGS  
AT THE PORT  
OF ADJUDICA-  
TION.

Annex,  
Art. I.

*First.* Duplicate of certificate delivered to the Master at Annex,  
time of seizure, according to Form No. 4. Art. III.  
Form No. 4.

*Secondly.* Authenticated declaration, drawn up also at the Annex,  
time of seizure, according to Form No. 5. Art. III.  
Form No. 5.

*Thirdly.* An affidavit, to which all the ship's papers, together Annex,  
with all other documents and letters at any time found on board, Form No. 6.  
must be annexed; and this affidavit must verify the papers and  
documents: Form No. 6 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

*Fourthly.* Another affidavit, in which are to be stated any changes Annex,  
which may have taken place in respect to the vessel, her crew, the Slaves, if any, and her cargo, between the period of Art. III.  
her detention and the time of delivering in such papers: Form No. 7 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

The Officer in charge of the vessel will reserve, to be produced on demand of the Court, the copy of the Special Order to carry the Treaty into effect.

On the delivery of the vessel to the proper Authorities, the Officer in charge will request them to cause a survey to be made of the vessel and her cargo and equipments, and to draw up a statement thereof in duplicate, and to give him one original thereof.

The Officer in charge will render every assistance in his power to the Venezuelan Authorities for the complete and effectual investigation of the case.

The rights conferred by the Treaty must in every case, and in all Annex,  
stages, be exercised in the mildest manner, and with every Art. II.  
attention which ought to be observed between friendly and allied nations; and you will bear in mind the responsibility of Great Britain to see that any losses which Venezuelan citizens may suffer by the arbitrary or illegal detention of their vessels shall be made good.

You will mark that, in case Her Majesty's Officers shall deviate from the Treaty and the Instructions annexed thereto, Her Majesty's Government, upon complaint, has bound itself to cause enquiry to be made, and to inflict on the offending Officer a punishment proportionate to any wilful transgression which he may have committed.

Venezuelan ships of war duly authorized under the Treaty, have the same right of search and detention, with respect to British vessels suspected of being engaged in the Slave Trade, as

Treaty;

Art. XI.

Treaty;

Art. IX.

may be exercised by Her Majesty's ships so authorized with respect to Venezuelan merchant-vessels.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms 4, 5, 6, 7, apply to this Treaty.]

#### 14.—ARGENTINE CONFEDERATION.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Treaty between Great Britain and the Argentine Confederation, dated the 24th of May, 1839, for the Abolition of the Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

Ratifications exchanged May 16, 1840. THE Treaty of the 24th of May, 1839, between Great Britain and the Argentine Confederation, has three Annexes, marked A, B, and C, which by the terms of the Treaty are declared to form an integral part thereof.

Annex A contains Instructions for the ships of the British and Argentine Navies employed to prevent the illicit Traffic in Slaves.

Annex B contains Regulations for the Mixed Courts of Justice to be established under the Treaty.

Annex C contains Regulations for the treatment of liberated Negroes, to which it is not necessary for Naval Officers to refer.

There are also three Additional Articles to this Treaty, dated the same day with the Treaty itself.

Your conduct in suppressing Slave Trade carried on in Argentine vessels, must be governed and regulated by the Treaty and its Annexes; and the following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the Treaty into effect.

AUTHORITY  
TO ACT UNDER  
THE TREATY.  
— Art. III.

Commanders of Her Majesty's ships are not authorized to search Argentine vessels under this Treaty, unless duly provided with the Instructions contained in Annex A, and with Special Orders from the Admiralty to carry the same into effect; but

when furnished with these documents they are authorized to visit, search, and detain, under the conditions prescribed by the Treaty; Art. III. Treaty, any Argentine vessel which, upon reasonable grounds, Annex A., may be suspected of being engaged in the Slave Trade. Art. I.

The authority to visit and search must be exercised under <sup>VISIT AND SEARCH.</sup> the following restrictions and regulations:—

*First.* Search is to be made only by you, or by an Officer of your ship, not under the rank of Lieutenant in the Navy, unless he be second in command of your ship. Annex A., Art. II.

*Secondly.* The Right of Search can only be exercised with respect to merchant-vessels. Treaty; Art. III.

*Thirdly.* If you should suspect that an Argentine merchant-vessel under convoy of an Argentine ship of war, is engaged in the Slave Trade, you are to communicate such suspicions to the Commander of the convoy, and offer to accompany him on the search to be made. The Commander of the convoy, accompanied by you, is to proceed to search the suspected vessel; and if the suspicion appear well founded, the vessel is to be taken by the Commander of the convoy to one of the Mixed Courts of Justice established under the Treaty. Treaty; Art. IV.

Should the Commander of the convoy omit to fulfil the conditions of the Treaty, you have no authority to take any further steps.

In the case of a British vessel under your convoy being suspected of Slave Trade by a Commander of an Argentine ship of war, you will, on the Commander of the Argentine ship of war communicating to you his suspicions, invite the Argentine Officer to accompany you in the search; and if the suspicions appear to be well founded, you will, if duly authorized under the Treaty, conduct or send the vessel to one of the ports where the Mixed Courts of Justice are stationed under the <sup>Treaty; Art. VI.</sup> Treaty, in order that the case may be tried by the authorized tribunal\*.

In case an application, such as is above described, should be made to you, you will take care that the search and enquiry which is instituted, shall be strict and satisfactory; and you will treat the Argentine Commander with every courtesy and respect throughout the whole proceeding.

A full report of the circumstances relating to any British or Argentine vessels so met with under convoy, must be made to the Officer under whose orders you are serving, and a duplicate of the Report is to be sent to the Admiralty at the earliest opportunity.

It will be your duty when duly authorized under this Treaty, <sup>DETENTION.</sup> to seize any Argentine vessel, whenever it shall appear,—

\* If the Commander of the convoy be not duly authorized under this Treaty, he is to regulate his conduct with respect to the case, by the Instructions as to British vessels suspected of Slave Trade.

Treaty: Art. III.  
Treaty: Art. VIII.

*Firstly.* That Slaves are on board contrary to Treaty.  
*Secondly.* That the vessel is, or has during the voyage, been engaged in the Slave Trade.

Treaty: Art. VIII.

*Thirdly.* That the vessel has on board any of the fittings or equipments mentioned in Article VIII of the Treaty, excepting in the particular cases wherein it is provided to the contrary by Sections 6 and 9 of the said Article.

Annex A.  
Article III.

Form No. 4.

If you should determine to seize the vessel, you are forthwith to take possession of the ship's papers and of all other documents and letters found on board, and cause a list thereof to be made out in duplicate, according to Form No. 4, verifying the same by your signature; and you will deliver to the Master of the seized vessel one of the said certified lists.

Form No. 5.

You will also, at the time of seizure, draw up in writing a declaration, according to Form No. 5; and this declaration is to be signed by yourself, and given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be taken for adjudication.

CONDUCTING  
TO THE PORT  
OF ADJUDI-  
CATION.

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Annex A.  
Art. I.

In the event of your seizing an Argentine vessel, you must, without delay, either carry or send her in for trial before that one of the Mixed Courts of Justice to be established in virtue of the Treaty, which shall be nearest the place of detention, or which can be soonest reached from such place; and the Officer in charge must be provided with a copy, certified by you, of the Special Order authorizing you to carry the Treaty into effect.

There are two Mixed Courts of Justice to be established in pursuance of the Treaty, one in the dominions of Her Britannic Majesty, the other within the territory of the Argentine Republic. The only Mixed Court of Justice at present established is at Sierra Leone; therefore all vessels detained under the Treaty at present are to be taken thither.

Annex A,  
Art. IV.

You are to leave on board the seized vessel the Master, the Mate, or Boatswain, and at least two or three of the crew, and the whole of the Slaves, if any, and all the cargo; and the Slaves are not to be disembarked till after the vessel which contains them shall have arrived at the place of adjudication, unless urgent reasons, arising from the length of the voyage, from the state of health of the Slaves, or from other causes, should require that the whole or a portion of the Slaves should be disembarked or be transshipped before the vessel can arrive at one of the places at which the said Courts are established; and in this case you may take upon yourself the responsibility of disembarking or transshipping the Slaves, provided that such necessity and the causes thereof be stated in a certificate in proper form; and this certificate is to be entered at the time on the log-book of the detained vessel.

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PROCEEDINGS  
AT THE PORT  
OF ADJUDI-  
CATION.

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As soon as the Officer in charge of the seized vessel shall have brought her to the place where the Mixed Court of Justice is sitting, he is to deliver to the Court,—

*First.* Duplicate of certificate delivered to the Master at the time of seizure, according to Form No. 4.

Form No. 4.  
Annex A.  
Art. III.  
Form No. 4.

*Secondly.* The authenticated declaration, drawn up also at the time of seizure, according to Form No. 5.

*Thirdly.* An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed; and this affidavit must verify the same: Form No. 6 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

*Fourthly.* Another affidavit, in which are to be stated any changes which may have taken place in respect to the vessel, her crew, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such papers: Form No. 7 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

The Officer in charge of the vessel will reserve, to be produced upon demand of the Court, the copy of the Special Order to act under the Treaty.

The Officer will then, by himself or Agent, proceed in the case, according to the forms of business in use in the Mixed Court of Justice, which he will learn upon application to the Registrar.

The Slaves are not to be landed without the permission of Annex A.  
the Mixed Court of Justice. Art. IV.

The rights conferred by the Treaty must, in every case and in all stages, be exercised in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and you will bear in mind the responsibility of Great Britain to see that any losses which Argentine citizens may suffer by the arbitrary or illegal detention of their vessels shall be made good.

You will mark that, in case any of Her Majesty's Officers deviate in any respect from the stipulations of the Treaty, or the Instructions annexed to it, Her Majesty Government, upon complaint, is bound to cause enquiry to be made, and to inflict upon the offending Officer a punishment proportionate to any wilful transgression he may have committed.

Argentine ships of war duly authorized under the Treaty, have the same right of search and detention with respect to British merchant-vessels suspected of being engaged in Slave Trade, as may be exercised by Her Majesty's ships so authorized with respect to Argentine merchant-vessels.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms 4, 5, 6, 7, apply to this Treaty.]

## 15.—URUGUAY.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Treaty between Great Britain and the Oriental Republic of the Uruguay, dated 13th of July, 1839, for the Abolition of the Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

Ratifications exchanged Jan. 21, 1842. THE Treaty of the 13th July, 1839, between Great Britain and the Oriental Republic of the Uruguay, has three Annexes, Treaty; Art. marked A, B, and C, which, by the terms of the Treaty, are declared to form an integral part thereof.

Annex A contains Instructions for the ships of the British and Monte-Videan Navies employed to prevent the Traffic in Slaves.

Annex B contains Regulations for the Mixed Courts of Justice to be established under the Treaty.

Annex C contains Regulations for the treatment of liberated Negroes, to which it is not necessary for Naval Officers to refer.

There are also three Additional Articles to this Treaty, dated the same day with the Treaty itself.

Your conduct in suppressing the Slave Trade carried on in Monte-Videan vessels must be governed and regulated by the Treaty and its Annexes; and the following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the Treaty into effect.

AUTHORITY TO ACT UNDER THE TREATY. Commanders of Her Majesty's Ships are not authorized to search Monte-Videan vessels under this Treaty, unless duly provided with the Instructions contained in Annex A, and with Special Orders from the Admiralty to carry the same into effect; but when furnished with these documents, they are authorized to visit, search, and detain, under the conditions prescribed by the Treaty, any Monte-Videan merchant-vessel which, upon reasonable grounds, may be suspected of being engaged in the Slave Trade. And for the purposes of this Treaty, every vessel subject to such suspicions, and showing the Monte-Videan Flag, shall be considered as a Monte-Videan vessel.

VISIT AND SEARCH.

The authority to visit and search must be exercised under the following restrictions and regulations:—

*First.* Search is to be made only by you, or by an Officer of Annex A, your ship, not under the rank of Lieutenant in the Navy, unless <sup>Art. II.</sup> to be second in command of your ship.

*Secondly.* The Right of Search can only be exercised with respect to merchant-vessels.

*Thirdly.* If you should suspect that a Monte-Videan merchant-vessel under convoy of a Monte-Videan ship of war is engaged in Slave Trade, you are to proceed to visit her in company with the Commander of the convoy, who by the Treaty is bound to give every facility to such visit, and to the eventual detention of the vessel by you if required, and in all things to assist to the utmost of his power in the execution of the Treaty.

In the event of your commanding a convoy you are in like manner to permit a Monte-Videan ship of war duly authorised under the Treaty, to visit, in company with you, any British vessel under your convoy suspected of Slave Trade, and are to give every facility to the visit and to the eventual detention of the vessel by the Monte-Videan Commander, if required.

A full report of the circumstances relating to any British or Monte-Videan vessels so met with under convoy, must be made to the Officer under whose orders you are serving, and a duplicate of the Report is to be sent to the Admiralty at the earliest opportunity.

It will be your duty when duly authorized under this Treaty, <sup>Darrennon.</sup> to seize any Monte-Videan vessel, whenever it shall appear,—

*First.* That Slaves are on board contrary to Treaty. <sup>Treaty; Art. V.</sup>

*Secondly.* That the vessel is, or has during the voyage, been engaged in Slave Trade. <sup>Treaty; Art. IV.</sup>

*Thirdly.* That the vessel has on board any of the fittings or equipments mentioned in Article IX of the Treaty, excepting in the particular cases wherein it is provided to the contrary by <sup>Annex A,</sup> Sections 6 and 9 of the said Article. <sup>Art. I.</sup> <sup>Treaty; Art. IX.</sup>

If you should determine to seize the vessel, you are forthwith <sup>Annex A,</sup> to take possession of the ship's papers and of all other documents <sup>Art. III.</sup> and letters found on board, and to cause a list to be made out thereof in duplicate, according to Form No. 4, verifying the same <sup>Form No. 4.</sup> by your signature ; and you will deliver to the Master of the seized vessel, one of the said certified lists.

You will also at the time of seizure draw up in writing a declaration, according to Form No. 5 ; and this declaration is to <sup>Form No. 5.</sup> be signed by yourself, and given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be taken for adjudication.

In the event of your seizing a Monte-Videan vessel, you <sup>Conducting</sup> <sup>to the Point</sup> without delay, either carry or send her in for trial before <sup>of Adjudication.</sup> that one of the Mixed Courts of Justice established in virtue of the Treaty, which shall be nearest to the place of detention, or <sup>Annex A,</sup> which can be soonest reached from such place ; and the Officer <sup>Art. L.</sup>

in charge must be provided with a copy, certified by you, of the Special Order authorizing you to carry the Treaty into effect.

There are two Mixed Courts of Justice to be established in pursuance of the Treaty, one in the dominions of Her Britannic Majesty, the other within the territory of the Republic of the Uruguay. The only Mixed Court of Justice at present established is at Sierra Leone; therefore all vessels detained under the Treaty are to be taken thither.

**Annex A.  
Articles III  
and IV.**

You are to leave on board the seized vessel the Master, the mate, or boatswain, and two or three, at least, of the crew, the whole of the Slaves, if any, and all the cargo, unless urgent reasons should require that the whole or a portion of the Slaves should be disembarked before the vessel can arrive at the Port of Adjudication; and in this case you must draw out a certificate, in which you are to declare the necessity of the disembarkation and the causes thereof; and this certificate is to be entered at the time on the log of the seized vessel.

**PROCEEDINGS  
AT THE PORT  
OF ADJUDICA-  
TION.**

As soon as the Officer in charge of the seized vessel shall have brought her to the place where the Mixed Court of Justice is sitting, he is to deliver to the Court,—

**Form No. 4.**

*First.* Duplicate of certificate delivered to the Master at the time of seizure, according to Form No. 4.

**Form No. 5.**

*Secondly.* The authenticated declaration drawn up also at the time of detention, according to Form No. 5.

**Form No. 6.**

*Thirdly.* An affidavit to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed; and this affidavit must verify the same: Form No. 6 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

**Annex A,  
Art. III.**

*Fourthly.* Another affidavit, in which are to be stated any changes which may have taken place in respect to the vessel, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such papers: Form No. 7 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

**Form No. 7.**

The Officer in charge of the vessel will reserve, to be produced upon demand of the Court, the copy of the Special Order to carry the Treaty into effect.

The Officer will then, by himself or agent, proceed in the case, according to the forms of business in use in the Mixed Court of Justice, which he will learn upon application to the Registrar.

The Slaves are not to be landed without the permission of the Court of Justice.

**Annex A,  
Art. II.**

The rights conferred by the Treaty must in every case, and in all stages, be exercised in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and you will bear in mind the responsibility of Great Britain to see that any losses which Monte-Videan citizens may suffer by the arbitrary or illegal detention of their vessels shall be made good.

**Treaty; Art.  
IV.**

You will mark that, in case Her Majesty's Officers deviate in any respect from the stipulations of the Treaty, or the Instructions annexed to it, Her Majesty's Government, upon complaint, is bound to cause enquiry to be made, and to inflict upon the <sup>Treaty; Art.</sup> offending Officer a punishment proportionate to any wilful <sup>VIII.</sup> transgression he may have committed.

Monte-Videan ships of war duly authorized under the Treaty, have the same right of search and detention with respect to British merchant-vessels suspected of being engaged in Slave Trade, as may be exercised by Her Majesty's ships so authorized with respect to Monte-Videan merchant-vessels.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms No. 4, 5, 6, 7, apply to this Treaty.]

## 16.—BOLIVIA.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Treaty of the 25th of September, 1840, between Great Britain and Bolivia, for the Abolition of the Traffic in Slaves.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

THE Treaty of the 25th September, 1840, between Great <sup>Ratifications</sup> Britain and Bolivia, has three Annexes, marked, A, B, and C, <sup>exchanged</sup> <sup>July 13, 1841.</sup> <sup>Art. XIII.</sup> which, by the terms of the Treaty, are declared to form an integral part thereof.

Annex A contains Instructions for the ships of the British and Bolivian Navies employed to prevent the Traffic in Slaves.

Annex B contains Regulations for the Mixed Courts of Justice to be established under the Treaty.

Annex C contains Regulations for the treatment of liberated Negroes, to which it is not necessary for Naval Officers to refer.

There are also three Additional Articles to the Treaty, dated the same day with the Treaty itself, and relating to the Courts of Justice to be appointed under it.

Your conduct in suppressing Slave Trade carried on in Bolivian vessels, must be governed and regulated by the Treaty, the Annexes, and the Additional Articles; and the following Instructions are framed in conformity with these documents, for

the purpose of distinctly pointing out the course which you are to pursue in carrying the Treaty into effect.

AUTHORITY  
TO ACT UNDER  
THE TREATY.

Treaty;  
Art. IV.  
Annex A,  
Art. I.

Annex A,  
Art. I.

Commanders of Her Majesty's ships are not authorized to search Bolivian vessels under this Treaty, unless duly provided with the Instructions contained in Annex A, and with Special Orders from the Admiralty to carry the same into effect; but when furnished with these documents, they are authorized to visit, search, and detain, under the conditions prescribed by the Treaty, any Bolivian merchant-vessel which, upon reasonable grounds, may be suspected of being engaged in Slave Trade.

VISIT AND  
SEARCH.

Annex A,  
Art. II.

Treaty;  
Art. IV.

Art. V,  
Sect. 3.

The authority to visit and search must be exercised under the following restrictions and regulations:—

*First.* Search is to be made only by you, or by an Officer of your ship, not under the rank of Lieutenant in the Navy, unless he be the second in command of your ship.

*Secondly.* The Right of Search can only be exercised with respect to merchant-vessels.

*Thirdly.* If you should suspect that a Bolivian merchant-vessel, under convoy of a Bolivian ship of war, is engaged in Slave Trade, you are to proceed to visit her, in company with the Commander of the convoy, who by the Treaty is bound to give every facility to such visit, and to the eventual detention of the vessel by you, if required, and in all things to assist, to the utmost of his power, in the execution of the Treaty.

In the event of your commanding a convoy you are in like manner to permit a Bolivian ship of war, duly authorized under the Treaty, to visit, in company with you, any British vessel under your convoy suspected of Slave Trade, and to give every facility to the visit, and to the eventual detention of the vessel by the Bolivian Commander, if required.

A full report of the circumstances relating to any British or Bolivian vessels so met with under convoy, must be made to the Officer under whose orders you are serving, and a duplicate of the Report is to be sent to the Admiralty at the earliest opportunity.

DETENTION.

It will be your duty, when duly authorized under this Treaty, to seize any Bolivian vessel, whenever it shall appear,—

*First.* That Slaves are on board contrary to Treaty.

*Secondly.* That the vessel is, or has during the voyage, been engaged in Slave Trade.

*Thirdly.* That the vessel has, or has had, on board during the voyage any of the fittings or equipments described in Article IX, except in the particular cases wherein it is provided to the contrary by Sections 6 and 9 of the said Article.

If you should determine to seize the vessel, you are forthwith to take possession of the ship's papers, and of all other documents and letters found on board, and to cause a list to be made

Treaty;  
Art. IX.

Annex A,  
Art. III.

at thereof in duplicate, according to Form No. 4, verifying the Form No. 4, same by your signature; and you are to deliver to the Master of the seized vessel one of the said certified lists.

You will also, at the time of seizure, draw up in writing a declaration, according to Form No. 5; and this declaration is to Form No. 5, be signed by yourself, and given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be taken for adjudication.

In the event of your seizing a Bolivian vessel, you must CONDUCTING without delay either carry or send her in for trial, before that one of the Mixed Courts of Justice established in virtue of the Treaty, which shall be nearest the place of detention, or which can be soonest reached from such place: and the Officer in charge must be provided with a copy, certified by you, of the Special Order authorizing you to carry the Treaty into effect.

TO THE POWER  
OF ADJUDI-  
CATION.  
—  
Annex A,  
Art. I.

The Treaty provides that two Mixed Courts of Justice shall be established under this Treaty, one in British possessions in Africa, the other in Bolivia. The only Mixed Court of Justice at present established is at Sierra Leone; therefore all vessels detained under the Treaty are to be taken thither.

You are to leave on board the seized vessel the Master, the mate or boatswain, and two or three at least of the crew, the whole of the Slaves, if any, and all the cargo; unless urgent reasons should require that the whole or a portion of the Slaves should be disembarked before the vessel can arrive at the Port of Adjudication; and in this case you must draw out a certificate, in which you are to declare the necessity of the disembarkation, and the causes thereof; and this certificate is to be entered at the time on the log-book of the seized vessel.

Treaty;  
Art. VII.

Annex A,  
Art. III.

Annex A,  
Art. IV.

PROCEEDINGS  
AT THE PORT  
OF ADJUDI-  
CATION.  
—

As soon as the Officer in charge of the seized vessel shall have brought her to the place where the Mixed Court of Justice is sitting, he is to deliver to the Court,—

*First.* Duplicate of certificate delivered to the Master at the time of seizure, according to Form No. 4.

*Secondly.* Authenticated declaration drawn up also at the time of seizure, according to Form No. 5.

*Thirdly.* An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed; and this affidavit must verify the same: Form No. 6 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

*Fourthly.* Another affidavit, in which are to be stated any changes which may have taken place in respect to the vessel, her crew, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such papers: Form No. 7 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

The Officer in charge of the vessel will reserve, to be pro-

Annex A,  
Art. III.  
Form No. 4.

Annex A,  
Art. III.

Form No. 5.

Form No. 6.

Form No. 7.

dated, on demand of the Court, a copy of the special Orders for carrying the Treaty into effect.

The Officer will then, by himself or agent, proceed in their case, according to the forms of business in use in the Mixed Court of Justice, which he will learn on application to the Registrar.

Annex A.  
Art. IV.

The Slaves are not to be landed without the permission of the Mixed Court of Justice.

Annex A.  
Art. II.

The rights conferred by the Treaty must in every case, and in all stages, be exercised in the mildest manner, and with every attention which ought to be observed between friendly and allied nations; and you will bear in mind the responsibility of Great Britain to see that any losses which Bolivian citizens may suffer by the arbitrary or illegal detention of their vessels shall be made good.

Treaty;  
Article VI.

You will mark that, in case Her Majesty's Officers deviate, in any respect from the stipulations of the Treaty, or the Instructions annexed to it, Her Majesty's Government, upon complaint, is bound to cause enquiry to be made, and to inflict upon the offending Officer a punishment proportionate to any wilful transgression he may have committed.

Bolivian ships of war duly authorized under the Treaty, have the same right of search and detention with respect to British merchant-vessels suspected of being engaged in Slave Trade, as may be exercised by Her Majesty's ships of war so authorized with respect to Bolivian merchant-vessels.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms 1, 2, 3, 8, 9, 10, apply to this Convention.]

## 17.—HAYTI.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Convention of the 23rd of December, 1839, between Great Britain and the Republic of Hayti, for the Suppression of the Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

Ratifications exchanged Oct. 20, 1840. By the Convention of the 23rd of December, 1839, between Great Britain and Hayti, the President of the Republic of Hayti,

subject to modifications as hereafter set forth, acceded to the Convention of the 30th of November, 1831, and the Supplementary Convention of 22nd of March, 1838, between Great Britain and France, and to the Annex of the latter Convention containing Instructions to Cruisers.

Art. I.

Your conduct in suppressing Slave Trade carried on in Haytian vessels, must be governed and regulated by those three Conventions and the Instructions to Cruisers; and the following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the same into effect.

The right of searching Haytian merchant-vessels is to be exercised only by British ships of war, whose Commanders have the rank of Captain, or at least that of Lieutenant in the Navy, and who are duly provided with special authority from each of the two Governments; namely, a Warrant from the Haytian Government, and a Special Order from the Admiralty; but when furnished with these documents, they are authorized to visit, search, and detain, under the conditions prescribed by the Conventions, any Haytian merchant-vessel which, upon reasonable grounds, may be suspected of being engaged in the Slave Trade.

AUTHORITY  
TO ACT UNDER  
THE CONVENTION.Convention  
with France  
of 30th Nov.  
1831; Art. II.  
Do. Art. V.

The authority to visit and search must be exercised under the following restrictions and regulations:—

*First.* Search is to be made only by you; or if not made by you, by an Officer of your ship not under the rank of Lieutenant in the Navy.

*Secondly.* In no case can the Right of Search be exercised on ships of war.

*Thirdly.* The Right of Search can be exercised only within the waters hereinafter described, namely:—

1. Along the western coast of Africa, from Cape Verd to the distance of ten degrees south of the Equator; that is to say, from the 15th degree of North latitude to the 10th degree of South latitude, and as far as the 30th degree of West longitude, reckoning from the meridian of Paris.

27°40' West of  
Greenwich.

2. All round the Island of Madagascar, to the extent of about twenty leagues from that island.

3. To the same distance from the coasts of Brazil.

4. To the same distance from the coasts of the Islands of Caba and Porto Rico, excepting on those sides of the two islands which are separated only by a narrow strait from the coast of Hayti; on which sides of the islands British cruisers are not to search Haytian vessels navigating within that half of the said strait which is nearest to Hayti.

Convention  
with Hayti of  
Dec. 23, 1839;  
Art. IV.

A suspected vessel descried and begun to be chased by you whilst within the space where search is allowed, may be searched by you beyond those limits, if, without having lost sight of the suspected vessel, you should succeed in coming up with her.

Instructions  
to Cruisers,  
Sect. 7.

*Fourthly.* If you should have reason to suspect that a Haytian merchant-vessel, sailing under convoy of, or in company with, a Haytian ship of war, is engaged in Slave Trade, or has been fitted out for that traffic, you are to confine yourself to communicating your suspicions to the Commander of the convoy, or of the ship of war in company, and to leave it to the Haytian Officer to proceed alone to visit the suspected vessel, and to deliver her up, if the case require it, to the jurisdiction of her own country.

If the Commander of the convoy omit to fulfil the provisions of the Conventions, you have no authority to take any further steps.

Should the Commander of a Haytian ship of war, duly authorized to act under the Conventions, declare to you that he suspects any British vessel under your convoy or in company, to be engaged in the Slave Trade, or to have been fitted out for that traffic, you are to proceed alone to visit the suspected vessel, and make the strictest investigation into the circumstances, and if the case require it, to seize her and send her in for trial before a British tribunal.

A full report of the circumstances relating to any British or Haytian vessels so met with under convoy, must be made to the Officer under whose orders you are serving, and a duplicate of the Report is to be sent, at the earliest opportunity, to the Admiralty.

The following Article requires particular attention:—

Convention  
of Nov. 30,  
1831; Art. VI.  
Instructions  
to Cruisers,  
Sect. 1.

Whenever a Haytian vessel is visited by you, you are immediately on coming on board, and before you begin the search, to exhibit to her Master the documents which confer on you the Right of Search, namely, the Warrant from the Haytian Government and the Special Order from the Admiralty; and you are to deliver to the Master a certificate, signed by yourself, according to Form No. 1, furnished herewith.

Form No. 1.  
Instructions  
to Cruisers,  
Sect. 1.

When the visit is made by an Officer under your command, such Officer is to exhibit to the Master of the Haytian vessel, copies of the above-mentioned Warrant and Special Order, signed by you; and he is then to deliver a certificate, signed by himself, according to Form No. 1, furnished herewith.

Form No. 2.  
Convention  
of Nov. 30,  
1831;  
Art. VI.  
Instructions  
to Cruisers,  
Sect. 1.

Should it appear that the papers of the vessel are regular, and her proceedings lawful, the Officer is to certify on the log-book of the vessel, that the examination took place only in virtue of the special authority above mentioned; and these formalities having been completed, the vessel is to be at liberty to pursue her voyage.

DETENTION.

It will be your duty, when duly authorised under this Convention, to seize any Haytian vessel found where search is permitted, whenever it shall appear,—

*First.* That Slaves are on board contrary to the Conventions.

*Secondly.* That the vessel is engaged in the Slave Trade. Instructions to Cruisers, Sect. 2.  
*Thirdly.* That the vessel has on board any of the fittings or equipments mentioned in Article VI of the Supplementary Convention with France, excepting in the particular cases wherein it is provided to the contrary by Sections 6 and 9 of the said Article. Supplementary Convention; Art. VI.

If you should determine to detain the vessel, you are forth- Instructions  
with to take possession of the ship's papers, and of all other to Cruisers,  
documents and letters found on board, and to cause a list to be Sect. 2.  
made out thereof, in duplicate, according to Form No. 8, verify- Form No. 8.  
ing the same by your signature.

You are also at the time of seizure, to make out and sign in duplicate a declaration, according to Form No. 9. A duplicate Form No. 9.  
original of both these documents is to be sent, together with the captured vessel, to the Haytian Authorities, as hereinafter directed.

In the event of your detaining a Haytian vessel, you must, CONDUCTING without delay, either carry her in for trial yourself, or send her to the Port of ADJUDICATION. in charge of an Officer not below the rank of Lieutenant in the Navy; and in the latter case, that Officer must be provided with copies certified by you, of the Warrant and Special Order authorizing you to carry the Conventions into effect, and of the certificate contained in Form No. 1, if the vessel has been searched by you, or in Form No. 2, if she has been searched by an Officer under your command. Supplementary Convention; Art. I. Instructions to Cruisers, Sect. 3.

All Haytian vessels detained are to be conducted and sent to Port au Prince, the capital of the Republic of Hayti. Convention with Hayti; Art. II. Instructions to Cruisers, Sect. 4.

No person whatever is to be taken out of the detained vessel: nor is any part of her cargo, nor of the Slaves found on board, to be removed from her, until after such vessel shall have been delivered over to the Haytian Authorities; excepting only when the removal of the whole or of part of the crew, or of the Slaves found on board, shall be deemed necessary, either for the preservation of their lives, or for any other consideration of humanity, or for the safety of the persons charged with the navigation of the vessel. Instructions to Cruisers, Sect. 4.

In case of any such removal you, or the Officer appointed to bring in the detained vessel, as the case may be, will make a declaration thereof, according to Form No. 3, in which the reasons for the same are to be specified; and the Master, Officers, sailors, passengers, or Slaves, so removed, must be conducted immediately to the same port as the vessel and her cargo. Instructions to Cruisers, Sect. 4. Form No. 3.

The Officer bringing in a detained vessel to Port au Prince, PROCEDURES AT THE PORT OF ADJUDICATION. will forthwith apply to the Government, to indicate the Authorities duly appointed to receive the vessel; and upon such information reaching him, he will lose no time in delivering over to the person appointed, the vessel and her cargo, together with all the persons and Slaves found on board her. He is at the same time Instructions to Cruisers, Sect. 6.

time to deliver to the appointed Authorities, in order to be produced before the Court on trial.—

Instructions  
to Cruisers,  
Sect. 6.  
Form No. 8.  
Instructions  
to Cruisers,  
Sect. 6.  
Form No. 9.

*First.* Duplicate list of the papers which shall at any time have been found on board the vessel, drawn up at time of seizure, according to Form No. 8.

*Secondly.* Duplicate of the authenticated declaration, drawn up also at the time of seizure, according to Form No. 9; and the Officer in charge will add thereto a statement of any changes which may have taken place since the time of detention.

*Thirdly.* If any removal of the crew or Slaves shall have taken place as mentioned in the Instructions to Cruisers, Section 4, he will deliver in to the Court the declaration of such removal, according to Form No. 3.

*Fourthly.* An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed.

This affidavit must verify the papers, and it must also attest the truth of the three preceding documents: Form No. 10 is to be used for this purpose, unless a different Form should be prescribed by the Court.

The Officer in charge of the vessel will reserve, to be produced on demand of the Court, the other documents with which he will have been furnished, namely:—

1. Copies of the Warrant and Special Order to carry the Convention into effect.

2. Copy of the certificate No. 1 or 2, as the case may have been, delivered to the Master before making the search.

Supplemen-  
tary Conven-  
tion;  
Art. IV.

After the proper documents have been delivered to the Authorities, the Conventions require them to proceed to a survey of the detained vessel and her cargo, and to an inspection of her crew, and of the Slaves, previously giving notice of the time of such survey to the Officer who shall have brought in the vessel, in order that he, or some person in his behalf, may be present thereat. A detailed statement of these proceedings is to be drawn up in duplicate, signed by the persons who shall have acted therein, or been present at the same, and one of the said statements is to be delivered to the Officer who shall have brought in the detained vessel.

The Officer in charge will render every assistance in his power to the Haytian Authorities, for the complete and effectual investigation of the case.

Supplemen-  
tary Con-  
vention;  
Art. VIII.

When a Haytian merchant-vessel shall have been searched and detained illegally, or without sufficient cause of suspicion, or when the search and detention shall have been attended with any abuse of authority, or vexatious acts, the Officer in fault will be liable to pay costs and damages to the Master, and to the owners of the vessel and cargo.

These costs and damages may be awarded by the Tribunal before which the proceedings shall have been instituted.

Convention  
of Nov. 30,  
1831; Art. V.

You will not fail to afford to the Commanders of Haytian ships of war, cordial assistance in all circumstances in which it may be useful that you should act in concert under these Conven-

time; in all your proceedings, both on board and on shore, you will conduct yourself with the greatest forbearance and courtesy; and in all your communications with Haytian Authorities, will treat them with respect and consideration, and carefully avoid giving any just ground of offence.

If on any occasion of searching or detaining a Haytian vessel, a Haytian ship of war should make her appearance, and her Commander should desire to take charge of the vessel, you will readily give her up.

You will be furnished with particular signals, to be used upon occasion of meeting with Haytian ships of war also authorized to act under these Conventions, which signals are not to be made known to any ship not employed upon this service.

Convention  
of Nov. 30,  
1851; Art.  
VIII.

All Haytian ships of war duly authorized under these Conventions, have the same right of search and detention with respect to British merchant-vessels suspected of being engaged in Slave Trade, as may be exercised by Her Majesty's ships so authorized with respect to Haytian merchant-vessels.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms 1, 2, 3, 8, 9, 10, apply to this Treaty.]

## 18.—TEXAS.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Treaty of the 16th of November, 1840, between Great Britain and Texas, for the Suppression of the African Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

The Treaty of the 16th of November, 1840, between Great Britain and Texas, has two Annexes, marked A and B, which, by the terms of the Treaty, are declared to form an integral part thereof.

Ratifications  
exchanged  
June 28,  
1842.

Treaty;  
Art. XVII.

Annex A contains the forms of the Warrants to authorize, and of the Special Orders to guide, the ships of the British and Texian Navies in making visits and detentions under the Treaty.

Annex B contains Instructions to ships of war of both nations employed to prevent the African Slave Trade.

Declaration  
of 16th of  
Feb. 1844.

Treaty:  
Art. I.

There is also a Declaration, dated the 16th of February, 1844, in reference to the disposal of Slaves found on board Texian vessels captured on the coast of Brazil.

By the First Article of this Treaty the Republic of Texas engages to prohibit African Slave Trade by its citizens and under its Flag, and by means of capital belonging to its citizens, and to declare such trade piracy; and also, that any vessel attempting to carry on the Slave Trade shall, by that act alone, lose all right to claim the protection of the Texian Flag.

Your conduct in suppressing Slave Trade carried on in Texian vessels, must be governed and regulated by this Treaty and its Annexes; and the following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the Treaty into effect.

AUTHORITY  
TO ACT UNDER  
THE TREATY.

Treaty:  
Art. II.

The right of searching Texian vessels is to be exercised only by British ships of war, whose Commanders have the rank of Captain, or at least Lieutenant in the Navy, unless the command shall have devolved upon an Officer of inferior rank. The Commanders of such ships of war must be duly provided with special authority from each of the two Governments; namely, a Warrant from the Texian Government, and a Special Order from the Admiralty, according to Annex A of the Treaty: but when furnished with these documents, they are authorized to visit, search, and detain, under the conditions prescribed by the Treaty, any merchant-vessel belonging to, or bearing the Flag of, Texas, which shall on reasonable grounds be suspected of being engaged in the African Slave Trade.

VISIT AND  
SEARCH.

Annex B,  
Sect. 1.

Treaty;  
Art. IV.

Treaty;  
Art. II.

Treaty;  
Art. VII.

The authority to visit and search must be exercised under the following restrictions and regulations:—

*First.* Search is to be made only by you, or by an Officer of your ship, not under the rank of Lieutenant in the Navy, unless he be second in command of your ship.

*Secondly.* In no case is the Right of Search to be exercised in respect to ships of war.

*Thirdly.* The Right of Search shall not be exercised in the Mediterranean Sea, nor within those seas in Europe which lie without the Straits of Gibraltar and to the northward of the 37th parallel of North latitude; and within and to the eastward of the 20th degree of longitude West of Greenwich; nor in the Gulf of Mexico to the northward of the 25th parallel of North latitude; nor to the westward of the 90th degree of longitude West of Greenwich.

*Fourthly.* If you should have reason to suspect that a Texian vessel, sailing under convoy or in company with a ship of war of her own nation, is engaged in African Slave Trade, or has been fitted out for that traffic, you are to communicate your suspicion to the Commander of the convoy, who is to proceed alone to search the suspected vessel, and if the suspicion appears to him

well-founded, is to take her to a Texian port, to be proceeded against before the proper tribunal.

If the Officer in command of the convey omit to fulfil the provisions of the Treaty, you have no authority to take any further steps.

Should the Commander of a Texian ship of war declare to you that he suspects that a British vessel under convoy, or in company, is engaged in Slave Trade, you are to proceed alone to visit the suspected vessel and make the strictest investigation into the circumstances ; and if the suspicions prove well-founded, you are to seize her and send her for trial before a British tribunal.

A full report of the circumstances relating to any British or Texian vessels so met with under convoy, must be made to the Officer under whose orders you are serving ; and a duplicate of that Report is to be sent to the Admiralty, at the earliest opportunity.

The following Article requires particular attention :—

Whenever a vessel is visited under this Treaty by you, you Annex B, are immediately on coming on board, and before you begin the search, to exhibit to her Master the documents which confer on you the Right of Search : namely, the Warrant from the Texian Government, and the Special Order from the Admiralty ; and you are also to deliver to the Master a certificate signed by yourself, according to Form No. 1, furnished herewith.

Form No. 1.

Annex B,  
Sect. 1.

When the visit is made by an Officer under your command, such Officer is to exhibit to the Master of the vessel copies of the above-mentioned Warrant and Special Order, signed by you ; and he is then to deliver a certificate, signed by himself, according to Form No. 2, furnished herewith.

Form No. 2.

Should it appear that the papers of the vessel are regular, and her proceedings lawful, the Officer is to certify on the log-book of the vessel, that the search has been made in virtue of the special authority above mentioned ; and these formalities having been completed, the vessel is to be left at liberty to pursue her voyage.

It will be your duty, when duly authorized under this Treaty, DETENTION. to seize any vessels belonging to or bearing the Flag of Texas, and met with where search is permitted, whenever it shall appear :—

*First.* That Slaves are on board contrary to Treaty.

*Secondly.* That the vessel is, or has during the voyage, been engaged in the African Slave Trade.

Treaty;  
Art. II.

*Thirdly.* That the vessel has, or has had on board, during the voyage, any of the equipments or fittings described in Article IX, excepting in the particular cases wherein it is provided to the contrary by Sections 6 and 9 of the said Article.

Treaty;  
Art. IX.

If you should determine to seize the vessel, you are forthwith Annex B, to take possession of the ship's papers, and of all other documents and letters found on board, and cause a list to be made out thereof in duplicate, according to Form No. 8, verifying the Form No. 8, same by your signature.

Form No. 3. You are also, at the time of seizure, to make and sign a duplicate a declaration, according to Form No. 3; which must contain an exact description of the state of the vessel and the cargo, and which is to be given in or sent, together with the captured vessel, to the Court before which such vessel shall be taken for adjudication.

CONDUCTING  
TO THE PORT  
OF ADJUDICATION.

Treaty;  
Art. VI.

Form No. 1.

Form No. 2.

Annex B,  
Sect. 5.

Declaration  
of 16th of  
Feb. 1844.

Annex B,  
Sect. 4.

Form No. 3.  
Annex B,  
Sect. 4.

In the event of your seizing a Texian vessel, you must, without delay, either carry her in for trial yourself, or send her under charge of an Officer not below the rank of Lieutenant of the Navy, unless such Officer should be at the time at least third in authority on board the detaining ship.

If she be not taken in by you, the Officer in charge must be furnished with copies, certified by you, of the Warrant from the Texian Government and the Special Order from the Admiralty authorizing you to carry the Treaty into effect; and of the certificate, Form No. 1, if she should have been searched by you, or Form No. 2, if searched by an Officer under your command.

All Texian vessels detained by Her Majesty's ships are to be delivered up to the Texian jurisdiction at Galveston.

Slaves found on board any Texian vessel, detained in the West Indies, are, together with the vessel, to be carried and delivered up at Galveston.

Slaves found on board any Texian vessel, detained on the coast of Brazil, are to be carried or sent at once to Trinidad or Demerara.

Slaves found on board any Texian vessel, detained on the coast of Africa, are to be carried or sent at once to one of the British settlements on the coast of Africa.

The Officer in charge of the seized vessel is to deliver up the Slaves to the order of the Governor of the colony, taking from the person who shall receive them a receipt in duplicate for the Slaves so landed.

No person whatever is to be taken out of the seized vessel, nor is any part of her cargo, nor the Slaves found on board, to be removed until the vessel shall have been delivered over to the Authorities of her own nation, except in the cases otherwise provided for in the preceding paragraph; unless the removal of the whole or a part of the crew, or of the Slaves found on board, should be deemed necessary for the preservation of their lives, or any other consideration of humanity, or for the safety of the persons charged with the navigation of the vessel.

In any such case, you, or the Officer appointed to bring in the seized vessel, as the case may be, will make a declaration according to Form No. 3, in which the reasons for such removal are to be specified: and the Master, sailors, passengers, or Slaves so removed, must be carried to the same port as the vessel and her cargo, except as otherwise provided with respect to Slaves captured on the coasts of Africa or Brazil.

PROCEED

As soon as the Officer in charge of the seized vessel shall

when brought her to Galveston, he will forthwith apply to the <sup>INGS AT THE</sup>  
Municipal Government Functionary to indicate the <sup>FORM OF APP.</sup>  
Authorities <sup>JUDGEMENT.</sup> duly appointed to receive possession of the vessel; and upon  
such information reaching him he will lose no time in delivering <sup>Annex B,</sup>  
<sup>Sec. 6.</sup> over to such Authorities the vessel and her cargo, together with  
the Master, crew, and passengers, and, if captured in the West Indies, the Slaves also.

He is also to deliver to the appointed authorities, in order to be produced before the Court, on trial,—

*First.* Duplicate list of the papers found on board the vessel, drawn up at the time of seizure, according to Form No. 8. <sup>Form No. 8.</sup>

*Secondly.* Duplicate of the authenticated declaration drawn up also at the time of seizure, according to Form No. 9; and Form No. 9. The Officer in charge will add thereto a statement of any changes which may have taken place since the time of detention.

*Thirdly.* If any removal of the crew or Slaves shall have taken place, as mentioned in the Instructions to Cruizers, Section 4, he will deliver in to the Court the declaration of such removal, according to Form No. 3. <sup>Form No. 3.</sup>

*Fourthly.* An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed.

This affidavit must verify the papers, and must also attest to the truth of the three preceding documents: Form No. 10 is Form No. 10. to be used for this purpose, unless there should be a different Form prescribed by the Court.

The Officer in charge of the vessel will reserve, to be produced on demand, the other documents with which he has been furnished, viz.:—

1. Copy of the Warrant and Special Order to carry the Treaty into effect.

2. Copy of certificate No. 1 or No. 2, as the case may have been, delivered to the Master before making the search.

3. In case the vessel has been captured on the coast of Brazil or of Africa, with Slaves on board, the receipt for the Slaves landed.

After the proper documents have been delivered to the Authorities, the Treaty requires them to proceed to a survey of <sup>Treaty:</sup> the detained vessel and her cargo, and to an inspection of her crew, and of the Slaves who may be on board, previously giving notice of the time of such survey and inspection to the Officer who shall have brought in the vessel, in order that he, or some person in his behalf, may be present thereat.

A detailed statement of these proceedings is to be drawn up <sup>Treaty;</sup> Art. VIII. in duplicate, signed by the persons who shall have acted therein, or have been present at the same time: and one of the said statements is to be delivered to the Officer who shall have brought in the vessel.

The Officer in charge will render every assistance in his power to the Texian Authorities for the complete and effectual investigation of the case.

When a Texian merchant-vessel shall have been searched <sup>Treaty;</sup> Art. XIII.

and detained illegally, or without sufficient cause of suspicion, or when the search and detention shall have been attended with any abuse of authority or vexatious acts, the Officer in fault will be liable to pay costs and damages to the Master and to the owners of the vessel and cargo.

These costs and damages may be awarded by the tribunal before which the proceedings shall have been instituted.

You will not fail to afford to the Commanders of Texian ships of war cordial assistance in all circumstances in which it may be useful that you should act in concert under the Treaty; in all your proceedings, both on board and on shore, you will conduct yourself with the greatest forbearance and courtesy; and in all your communications with Texian Authorities will treat them with respect and consideration, and carefully avoid giving any just ground of offence.

If on any occasion of searching or detaining a Texian vessel, a Texian ship of war should make her appearance, and her Commander should desire to take charge of the vessel, you will readily give her up.

You will be furnished with particular signals to be used upon occasion of meeting with Texian ships of war also authorized to act under the Treaty, which signals are not to be made known to any ship not employed upon this service.

All Texian ships duly authorized under this Treaty, have the same right of search and detention with respect to British merchant-vessels suspected of being engaged in the African Slave Trade, as may be exercised by Her Majesty's ships so authorized with respect to Texian merchant-vessels.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

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[Forms 4, 6, 7, 11, apply to this Treaty.]

## 19.—MEXICO.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Treaty between Great Britain and Mexico, dated the 24th of February, 1841, for the Abolition of the Traffic in Slaves.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

The Treaty of the 24th February, 1841, between Great Britain and Mexico, has three Annexes, marked A, B, and C, which, by the terms of the Treaty, are declared to form an integral part thereof.

Annex A contains Instructions for the ships of the British and Mexican Navies employed to prevent the illicit Traffic in Slavea.

Annex B contains Regulations for the Courts which are to take cognizance of the cases of vessels detained under the Treaty.

Annex C contains Regulations for the treatment of liberated Negroes, to which it is not necessary for naval officers to refer.

There are also two Additional Articles to the Treaty of the same date with the Treaty, and a further Additional Article dated the 13th April, 1842.

Your conduct in suppressing Slave Trade carried on in Mexican vessels must be governed and regulated by the Treaty and its Annexes, and the following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the Treaty into effect.

Commanders of Her Majesty's ships are not authorized to search Mexican vessels under this Treaty, unless duly provided with the Instructions contained in Annex A thereto, and with Special Orders from the Admiralty to carry the same into effect; but when furnished with these documents, they are authorized to visit, search, and detain, under the conditions prescribed by the Treaty, any Mexican vessel which, upon reasonable grounds, may be suspected of being engaged in the Slave Trade.

Ratifications exchanged  
July 29,  
1842.  
Treaty;  
Art. XIII.

AUTHORITY  
TO ACT UNDER  
THE TREATY.

Treaty; Arts.  
IV and V.  
Treaty;  
Art. IV.  
Annex A,  
Art. I.

The authority to visit and search must be exercised under the following restrictions and regulations:—

First. Search is to be made only by you, or by an Officer of your ship, not under the rank of Lieutenant in the Navy, unless he be second in command of your ship.

Treaty:  
Art. IV.

*Secondly.* The Right of Search is only to be exercised in respect to merchant-vessels.

*Thirdly.* The Right of Search is not to be enforced within a line drawn from the mouth of the Rio Bravo del Norte in  $25^{\circ} 53'$  of North latitude, and  $97^{\circ} 25'$  of longitude West from Greenwich, to the port of Sisal in the Peninsula of Yucatan, in  $21^{\circ} 6'$  of North latitude and  $90^{\circ} 4'$  of longitude West from Greenwich; but if a vessel suspected of being engaged in Slave Trade shall be descried outside of the said line by a British ship of war, and shall succeed in passing within that line, she shall not on that account be considered as protected by the present restriction.

The Right of Search is not to be exercised in the Mediterranean Sea, nor in the seas of Europe lying without the Straits of Gibraltar, and to the north of the 37th parallel of North latitude, and to the eastward of the meridian of twenty degrees West of Greenwich.

Treaty:  
Art. V.

*Fourthly.* If you should suspect that a Mexican vessel under convoy of a Mexican ship of war, is engaged in the Slave Trade, you are to communicate your suspicions to the Commander of the convoy, and offer to accompany him on the search to be made. The Commander of the convoy, accompanied by you, is to proceed to search the suspected vessel. If the suspicions appear to be well-founded, according to the Treaty, then the vessel is to be conducted or sent by the Commander of the convoy, to the place where she is to be brought to trial.

Should the Commander of the convoy omit to fulfil the conditions of the Treaty, you have no authority to take any further steps.

Treaty: Art.  
V, Rule 3.

In the case of a British vessel under your convoy, being suspected of Slave Trade by the Commander of a Mexican ship of war, you will, on the Commander of the Mexican ship of war communicating to you his suspicions, invite the Mexican officer to accompany you in the search; and if the suspicions appear to be well-founded, will conduct or send the vessel to a British Vice-Admiralty Court to trial, in order that the just sentence may be pronounced.

In case an application such as is above described should be made to you, you will take care that the search and enquiry which is instituted, shall be strict and satisfactory; and you will treat the Mexican Commander with every courtesy and respect throughout the whole proceeding.

A full report of the circumstances relative to any British or Mexican vessel so met with under convoy, must be made to the Officer under whose orders you are serving, and a duplicate of the Report is to be sent to the Admiralty at the earliest opportunity.

DUTIES.—

It will be your duty, when duly authorized under this Treaty, to seize any Mexican vessel found where search is permitted, whenever it shall appear,—

Treaty:  
Art. IV.  
Annex A.  
Art. I.

*First.* That Slaves are on board contrary to Treaty.

*Secondly.* That the vessel is, or has during the voyage been engaged in the Slave Trade.

*Thirdly.* That the vessel has on board any of the fittings or equipments mentioned in Article IX of the Treaty, excepting in <sup>Treaty:</sup> the particular cases wherein it is provided to the contrary by <sup>Art. IX.</sup> Sections 6 and 9 of the said Article.

The vessels employed by the Mexican Government in conveying troops by sea, or convicts from one Mexican port to another, are also to be excepted from the operation of Article IX, provided they do not convey Negroes destined for Slave Trade, and that the Captain of the vessel produce a document, signed by any competent authority of the Republic, stating the service on which such vessel is employed; but such document must not be of a date so remote that it may be believed, on reasonable grounds, to have been issued for another voyage anterior to that on which such vessel is met with.

If you should determine to seize the vessel, you are forthwith <sup>Annex A,</sup> to take possession of the ship's papers, and of all other documents and letters found on board, and to cause a list to be made out thereof in duplicate, according to Form No. 4, verifying the <sup>Form No. 4.</sup> same by your signature; and you will deliver to the Master of the seized vessel one of the said certified lists, wherein you will also state the number of Slaves, if any, found on board at the moment of seizure.

You are also at the time of seizure to draw up in writing a <sup>Annex A,</sup> declaration, according to Form No. 11; and this declaration is <sup>Art. III.</sup> to be signed by yourself, and given in or sent, together with the <sup>Form No. 11.</sup> captured vessel, to the Court before which such vessel shall be taken for adjudication.

In the event of your seizing a Mexican vessel, you must without delay carry or send her in for trial; and the Officer in charge is to be provided with a copy of the Special Order to carry the <sup>CONDUCTING  
TO THE PORT  
OF ADJUDICA-  
TION.</sup> Treaty into effect.

Mexican vessels captured under this Treaty, not having Slaves <sup>Treaty:  
Art. VII.</sup> on board, are to be sent direct to Vera Cruz for trial. If Slaves shall be on board at the time of capture, the vessel shall be sent in the first instance, for the purpose of landing her Slaves, to the nearest place, or such as may be soonest reached, belonging to either of the two Powers, and after landing her Slaves, then to Vera Cruz for trial.

You will in all cases leave the Master, mate, or boatswain, and <sup>Annex A,</sup> two or three at least of her crew, and all the cargo on board the <sup>Art. III.</sup> seized vessel, up to the time of her being delivered up to the proper tribunal at Vera Cruz.

As soon as the Officer in charge of the seized vessel shall have brought her to Vera Cruz, he is to make application to the Minister or Consul to name an advocate for the conduct of the case, and he will then consult such advocate as to the measures to be pursued.

He will, at the proper time, deliver in to the Court before which the vessel is to be adjudicated, the following documents:—

<sup>Additional  
Article II.</sup>

<sup>Annex A,  
Art. III.  
Form No. 11.</sup>

<sup>Treaty:  
Art. VII.</sup>

<sup>PROCEED-  
INGS AT THE  
PORT OF AD-  
JUDICA-  
TION.</sup>

<sup>Treaty;  
Art. VII.</sup>

*First.* Duplicate of certificate delivered to the Master at the Form No. 4. time of seizure, according to Form No. 4.

*Secondly.* Authenticated declaration, drawn up also at the Form No. 11. time of seizure, according to Form No. 11, which is also to set forth the place where the Slaves have been landed, and the reasons for having conveyed them to such place.

*Thirdly.* An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed; and this affidavit must verify the papers and documents: Form No. 6 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

*Fourthly.* Another affidavit, in which are to be stated any changes which may have taken place in respect to the vessel, her crew, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such papers: Form No. 7 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

The Officer in charge of the vessel will reserve, to be produced on demand of the Court, the copy of the Special Order to carry the Treaty into effect.

The rights conferred by the Treaty must in every case, and in all stages, be exercised in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and you will bear in mind the responsibility of Great Britain to make good any losses which Mexican citizens may suffer by the arbitrary or illegal detention of their vessels.

You will mark that, if the Commander of Her Majesty's ship shall deviate in any respect from the stipulations of the Treaty, or the Instructions annexed to it, Her Majesty's Government, upon complaint, is bound to cause enquiry to be made, and to inflict upon him a punishment proportionate to any wilful transgression he may have committed.

Mexican ships of war duly authorized under the Treaty, have the same right of search and detention with respect to British merchant-vessels suspected of being engaged in Slave Trade, as may be exercised by Her Majesty's ships so authorized with respect to Mexican merchant-vessels.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms I, 2, 3, 8, 9, 10, apply to this Treaty.]

## 20.—AUSTRIA, PRUSSIA, RUSSIA.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Treaty signed on the 20th December, 1841, between Great Britain, Austria, France, Prussia, and Russia, for the Suppression of the African Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

THE Treaty of the 20th of December, 1841, between Great Britain, Austria, France, Prussia, and Russia, has two Annexes marked A and B, which are declared in the Treaty to form an integral part thereof.

Annex A contains forms, first of the Warrant of authority to search and detain ; and secondly, of the Orders for the guidance of the Commander of a ship of war visiting or detaining a vessel by virtue of this Treaty.

Annex B contains Instructions to ships of war employed to carry this Treaty into effect.

His Majesty the King of the French not having ratified the Treaty, its provisions do not apply to vessels belonging to that nation.

Your conduct in suppressing Slave Trade carried on in Austrian, Prussian, and Russian vessels, must be governed and regulated by this Treaty and its Annexes ; and the following instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the Treaty into effect.

The right of searching Austrian, Prussian, or Russian vessels is to be exercised only by British ships of war, whose Commanders have the rank of Captain or at least Lieutenant in the Navy, unless the command should have devolved upon an officer of inferior rank.

The Commanders of such ships of war must be duly provided with special authority, namely : a Warrant from the Governments of the nation of the vessel to be searched ; and Special Orders, from the Admiralty with reference thereto, according to Annex A to the Treaty ; but when furnished with these documents, they are authorized to visit, search, and detain, under the conditions prescribed in the Treaty, any Austrian, Prussian, or Russian merchant-vessel suspected on reasonable grounds of being engaged in the Traffic in Slaves.

Ratifications  
with Austria,  
Prussia, and  
Russia,  
exchanged  
Feb. 19, 1842.  
Treaty;  
Art. XVIII.

AUTHORITY  
TO ACT UNDER  
THE TREATY.  
—  
Treaty;  
Art. II.

VISIT AND  
SEARCH.

Annex B,  
Sect. 1.

Treaty;  
Art. IV.

Annex B,  
Sect. 2.

Treaty;  
Art. II.

Treaty;  
Art. II.

Treaty;  
Art. VII.

The authority to visit and search must be exercised under the following restrictions and regulations :—

*First.* Search is to be made only by you, or by an Officer of your ship, not under the rank of Lieutenant in the Navy, unless he be second in command of your ship.

*Secondly.* In no case is the Right of Search to be exercised in respect to ships of war.

This prohibition also extends to vessels belonging to the Russian-American Company, which are authorized to carry a flag distinguishing them from the Merchant Navy. These vessels must be furnished with a Russian patent,\* which shall prove their origin and destination, and which is to be countersigned at St. Petersburg by the Consulate of Great Britain.

*Thirdly.* The Right of Search is not to be exercised in the Mediterranean Sea, nor elsewhere, except within the limits herein-after described, viz.:—

Within the space bounded on the north by the 32nd parallel of North latitude ; on the west by the eastern coast of America, from the point where the 32nd parallel of North latitude strikes that coast, down to the 45th parallel of South latitude ; on the south by the 45th parallel of South latitude, from the point where that parallel strikes the eastern coast of America, to the 80th degree of longitude East from Greenwich ; and on the East by the same degree of longitude from the point where it is intersected by the 45th parallel of South latitude up to the coast of India.

*Fourthly.* If you should have reason to suspect that an Austrian, Prussian, or Russian vessel, sailing under convoy, or in company with a ship of war of any one of these nations, is engaged in Slave Trade, or has been fitted out for that traffic, you are to communicate your suspicions to the Commander of the convoy, and to leave it to the latter to proceed alone to search the suspected vessel ; and the Commander of the convoy, if the suspicion appears well-founded, is to take her to a port of her own nation, to be proceeded against before the proper tribunal.

Should the Officer in command of the convoy omit to fulfil the provisions of the Treaty, you have no authority to take any further steps.

Should the Commander of an Austrian, Prussian, or Russian ship of war declare to you that he suspects that a British vessel under your convoy, or in company, is engaged in Slave Trade, you are to proceed alone to visit the suspected vessel, and make the strictest investigation into the circumstances, and if the suspicions prove well-founded you are to seize her and send her for trial before a British tribunal.

A full report of the circumstances relating to any British, Austrian, Prussian, or Russian vessels so met with under convoy, must be made to the Officer under whose orders you are serving, and a duplicate of the Report is to be sent to the Admiralty at the earliest opportunity.

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\* See Appendix to Section 8th for Form of this Patent.

The following Article requires particular attention:

Whenever an Austrian, Prussian, or Russian vessel is visited by you, you are, immediately on coming on board, and before you begin the search, to exhibit to her Master the documents which confer on you the Right of Search, namely: the Warrant from the Government of the nation to which the vessel belongs, and the Special Order from the Admiralty with respect to the same; and you are to deliver to the Master a certificate, signed by yourself, according to Form No. 1, furnished herewith.

Annex B.  
Sect. 1.

When the visit is made by an Officer under your command such Officer is to exhibit to the Master of the vessel copies of the above-mentioned Warrant and Special Order, signed by you, and he is then to deliver a certificate signed by himself, according to Form No. 2, furnished herewith.

Form No. 1.  
Annex B.  
Sect. 1.

Should it appear that the papers of the vessel are regular, and her proceedings lawful, the Officer is to certify on the log-book of the vessel that the search has been made in virtue of the special authority above mentioned; and these formalities having been completed, the vessel is to be left at liberty to pursue her voyage.

Form No. 2.  
Annex B.  
Sect. 1.

It will be your duty, when duly authorized under this DETENTION Treaty, to seize any Austrian, Prussian, or Russian vessel met with where search is permitted, whenever it shall appear,—

*First.* That Slaves are on board contrary to Treaty.

*Secondly.* That the vessel is, or has during the voyage, been engaged in Slave Trade.

Treaty;  
Art. II.

*Thirdly.* That the vessel has, or has had on board, during the voyage, any of the equipments or fittings described in Article IX, excepting in the particular cases wherein it is provided to the contrary by Sections 6 and 9 of the said Article.

Treaty;  
Art. IX.

If you should determine to seize the vessel, you are forthwith to take possession of the ship's papers, and of all other documents and letters found on board, and cause a list to be made out thereof in duplicate, according to Form No. 8, verifying the same with your signature.

Form No. 8.  
Annex B.  
Sect. 2.

You are also at the time of seizure to make out and sign in duplicate a declaration, according to Form No. 9, which is to contain an exact description of the state of the vessel and her cargo, and which is to be given in or sent, together with the captured vessel, to the Court before which such vessel shall be taken for adjudication.

Form No. 9.

In the event of your seizing an Austrian, Prussian, or Russian vessel, you must, without delay, either carry her in for trial yourself or send her in charge of an Officer not below the rank of Lieutenant in the Navy, unless such Officer should be at the time at least third in authority on board the detaining ship.

TO THE POINT  
OF ADJUDICA-  
TION.Treaty;  
Art. IV.

If the vessel be not taken in by yourself, the Officer in charge must be furnished with copies certified by you, of the Warrant from the Government of the nation to which the vessel belongs, and Special Order from the Admiralty with respect to the same,

Form No. 1. and of the certificate, Form No. 1, if she should have been  
 Form No. 2. searched by you, or in Form No. 2, if searched by an Officer  
 under your command.

Annex B,  
 Sect. 5.  
 Austrian vessels detained on the stations of America or Africa, are to be delivered up to the Austrian jurisdiction at Trieste.

Prussian vessels detained on the same stations, to the Prussian jurisdiction at Stettin.

Russian vessels detained on the same stations, to the Russian jurisdiction at Cronstadt or Reval, according as the season of the year may allow the one or the other of those ports to be reached.

If Slaves should be found on board any Austrian, Prussian, or Russian vessel at the time of detention, the vessel is in the first instance to be sent to deposit the Slaves, either at Bathurst on the River Gambia, at the Cape of Good Hope, at Demerara, or at Port Royal, Jamaica, as may be most convenient. The vessel is afterwards to be sent on for adjudication, as herein before directed.

The Officer in charge of the seized vessel is to deliver up the Slaves to the order of the Governor of the colony, taking from the person who shall receive them a receipt in duplicate for the Slaves so landed.

Annex B,  
 Sect. 4.  
 No person whatever, except the Slaves, as before provided, is to be taken out of the detained vessel, nor is any part of her cargo to be removed until the vessel shall have been delivered over to the Authorities of her own nation; unless the removal of the whole or a part of the crew should be deemed necessary either for the preservation of their lives, or any other consideration of humanity, or for the safety of the persons charged with the navigation of the vessel.

Form No. 3.  
 In any such case you, or the Officer appointed to bring in the vessel, as the case may be, will make a declaration, according to Form No. 3, in which the reasons for such removal are to be specified: and the Master, sailors, or passengers so removed, shall be carried to the same port as the vessel and her cargo.

PROCED-  
 INGS AT THE  
 PORT OF AD-  
 JUDICATION.  
 —  
 Annex B,  
 Sect. 6.  
 As soon as the Officer in charge of the seized vessel shall have brought her to the Port of Adjudication, he will forthwith apply to the principal Government Functionary to indicate the Authorities duly appointed to receive the vessel; and upon such information reaching him, he will lose no time in delivering over to Authority the vessel and her cargo, together with the Master, crew, and passengers.

He is also to deliver to the appointed Authorities, in order to be produced before the Court on trial,—

Form No. 8.  
 First. Duplicate lists of papers found on board the vessel, drawn up at the time of seizure, according to Form No. 8.

Form No. 9.  
 Secondly. Duplicate of the authenticated declaration, drawn up also at the time of seizure, according to Form No. 9; and the Officer in charge will add thereto a statement of any changes which may have taken place since the time of detention.

*Thirdly.* If any removals shall have taken place, as mentioned in the Instructions to Cruisers, Section 4, he shall deliver in to the Court the declaration of such removals according to Form No. 2.

Form No. 3.

*Fourthly.* An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed.

This affidavit must attest the truth of the three preceding documents: Form No. 10 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

The Officer in charge of the vessel will reserve, in order to be produced on demand of the Court, the other documents with which he has been furnished, *viz.*:

1. Copy of the Warrant and Special Order to carry the Treaty into effect.
2. Copy of certificate No. 1 or No. 2, as the case may have been, delivered to the Master upon making the search.
3. Receipt for the Slaves landed.

After the proper documents have been delivered to the Authorities, the Treaty requires them to proceed to a survey of the detained vessel and her cargo, and to an inspection of the crew, previously giving notice of the time of such survey to the Officer who shall have brought in the vessel, in order that he, or some person in his behalf, may be present thereat.

A detailed statement of these proceedings is to be drawn up in duplicate, signed by the persons who shall have acted therein, or been present at the same; and one of the said statements is to be delivered to the Officer who shall have brought in the vessel.

The Officer in charge will render every assistance in his power to the Authorities for the complete and effectual investigation of the case.

You will mark that, when under this Treaty a vessel shall have been searched and detained illegally, or without sufficient cause for suspicion, or when the search and detention shall have been attended with any vexatious acts or abuse of authority, the Officer in fault will be liable to pay costs and damages to the Master and owners of the vessel.

These costs and damages may be awarded by the tribunal before which the proceedings shall have been instituted.

You are to afford assistance to the ships of war of the other High Contracting Parties in all cases when it may be useful that you should act in concert. In all your proceedings on board and on shore, you will conduct yourself with the greatest forbearance and courtesy, and in all your communications with the Authorities, will treat them with respect and consideration, and carefully avoid giving just cause of offence.

If on any occasion of searching or detaining a vessel under this Treaty, a ship of war of the same nation should make her appearance, and her Commander should be desirous to take charge of the vessel, you will always readily give up the same.

A particular signal has been agreed on by the High Con-

Treaty:

Art. IV.

tracting Parties, to be used exclusively by those cruisers which shall be invested with the Right of Search.

All Austrian, Prussian, and Russian ships of war duly authorized under this Treaty, have the same right of search and detention with respect to British vessels suspected of being engaged in the Slave Trade, as may be exercised by Her Majesty's ships so authorized with respect to Austrian, Prussian, and Russian merchant-vessels.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms 1, 2, 3, 4, 5, 6, 7, apply to this Treaty.]

## 21.—PORTUGAL.

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Treaty between Great Britain and Portugal, dated the 3rd of July, 1842, for the Suppression of the Traffic in Slaves.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

Ratifications exchanged  
July 30, 1842.  
Treaty;  
Art. XIV.

THE Treaty of the 3rd July, 1842, between Great Britain and Portugal, has three Annexes, marked A, B, and C, which, by the terms of the Treaty, are declared to form an integral part thereof.

Annex A contains Instructions for the ships of the Royal Navies of both nations, employed to prevent the illicit Traffic in Slaves.

Annex B contains Regulations for the Mixed Commissions to be established under the Treaty.

Annex C contains Regulations for the treatment of liberated Africans, to which it is not necessary for Naval Officers to refer.

There is also an Additional Article to the Treaty, bearing date the 22nd of October, 1842.

Your conduct in suppressing Slave Trade carried on in Portuguese vessels must be governed and regulated by the Treaty and the Annexes; and the following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the Treaty into effect.

Commanders of Her Majesty's ships are not authorized to search Portuguese vessels under this Treaty, unless duly provided with the Instructions contained in Annex A, and with Special Orders from the Admiralty to carry the same into effect; but when furnished with these documents, they are authorized to visit, search, and detain, under the conditions prescribed by the Treaty, any Portuguese vessel which, upon reasonable grounds, may be suspected of being engaged in the Slave Trade.

AUTHORITY  
TO ACT UNDER  
THE TREATY.

Treaty;  
Art. II.

Treaty;  
Art. II.

Treaty;  
Annex A,  
Art. I.

The authority to visit and search must be exercised under VISIT AND SEARCH.

*First.* Search is to be made only by you, or by an Officer of your ship, not under the rank of Lieutenant in the Navy, unless he be second in command of your ship.

*Secondly.* In no case is the Right of Search to be exercised in respect to a ship of the Royal Navy.

*Thirdly.* The Right of Search is not to be exercised in the Mediterranean Sea, nor within the seas in Europe which lie without the Straits of Gibraltar, and to the northward of the 37th parallel of North latitude, and within and to the eastward of the meridian of longitude twenty degrees West of Greenwich.

*Fourthly.* If you should suspect that a Portuguese vessel under convoy of a Portuguese ship of war, is engaged in the Slave Trade, you are to communicate in writing such suspicions to the Commander of the convoy, offering to accompany him in the search to be made; the Commander of the convoy is to give an acknowledgment in writing of this communication, and, accompanied by you, proceed to search the suspected vessel. If the suspicion appear well founded, the vessel is to be taken by the Commander of the convoy to one of the Mixed Commissions established under the Treaty.

Should the Commander of the convoy omit to fulfil the conditions of the Treaty, you have no authority to take any further step.

In the case of a British vessel under your convoy, being suspected of Slave Trade by a Commander of a Portuguese ship of war duly authorized to act under the Treaty, you will, on the Commander of the Portuguese ship of war communicating to you his suspicions, give an acknowledgment in writing, in which you will invite the Portuguese officer to accompany you in the search; and if the suspicions appear to be well founded, you will conduct or send the vessel to one of the ports where the Mixed Commissions are stationed under the Treaty, in order that the case may be tried by the authorized tribunal\*.

In case an application such as is above described, should be made to you, you will take care that the search and enquiry which is instituted shall be strict and satisfactory; and you will

\* If the Commander of the Portuguese cruiser be not duly authorized under this Treaty, you are to regulate your conduct with respect to the case, by the Instructions as to British vessels suspected of Slave Trade.

treat the Portuguese Commander with every courtesy and respect throughout the whole proceeding.

A full report of the circumstances relating to any British or Portuguese vessels so met with under convoy, must be made to the Officer under whose orders you are serving, and a duplicate of the Report is to be sent to the Admiralty, at the earliest opportunity.

**Treaty; Art. III, Rule 4.** *Fifthly.* It is not lawful for you on any pretext to visit or detain any merchant-vessel when at anchor in any port or roadstead belonging to Her Majesty the Queen of Portugal, or within cannon-shot of the batteries on shore, unless on a written demand for co-operation on the part of the Portuguese Authorities; but should any suspected vessel be met in such port or roadstead, due representation of the cause of suspicion is to be made to the Authorities, and they are to be requested to take the necessary measures to prevent a violation of the Treaty. Should the Portuguese Authorities make a written demand for the co-operation of Her Majesty's ship, such demand is to be complied with, but in no case must the limits of the requisition be exceeded.

The circumstances attending any such occurrence must be fully reported to the Officer under whose orders you are serving, and a duplicate of the Report sent to the Admiralty, at the earliest opportunity.

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The following Article requires particular attention:—

**Treaty; Art. II, Rule 3.** Whenever a Portuguese vessel is visited by you, you are, immediately upon coming on board the Portuguese vessel, and before you begin the search, to exhibit to her Master the documents by which you are duly authorized to make the same, namely, the Instructions contained in Annex A, and Special Orders from the Admiralty to carry the Treaty into effect; and you are to deliver to the Portuguese Master a certificate, signed by yourself, according to Form No. 1, furnished herewith.

**Form No. 2.** When the visit is made by an Officer under your command, such Officer is to exhibit to the Master of the Portuguese vessel a copy of the above-mentioned Instructions and Special Orders, signed by you; and he is then to deliver a certificate signed by himself, according to Form No. 2, and to proceed in other respects strictly in the same manner as if he were the Commander.

**Treaty; Art. II, Rule 3.** Should it appear that the papers of the vessel are in regular order, and that she is employed for lawful purposes, the Officer is to enter in the log-book of the vessel, that the search has been made under the authority of the aforesaid documents; and the vessel is to be left at liberty to pursue her voyage.

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**DETENTION.** It will be your duty, when duly authorized under this Treaty, to seize any Portuguese vessel found where search is permitted, whenever it shall appear,—

*First.* That Slaves are on board contrary to Treaty.

*Secondly.* That the vessel is, or has during the voyage, been engaged in the Slave Trade.

Treaty;  
Art. II.

*Thirdly.* That the vessel has, or has had, on board during the voyage, any of the fittings or equipments mentioned in Article IX of the Treaty, excepting in the particular cases wherein it is provided to the contrary by Sections 6 and 9 of the said Article.

Treaty;  
Art. IX.

The Treaty preserves to Portuguese subjects the right of being accompanied by Slaves who are *bond fide* household servants, on voyages from Portuguese possessions on the coast of Africa, the Islands of Cape Verd, Prince's, or St. Thomas', provided every one of the regulations contained in Article V be strictly complied with. When examining a Portuguese vessel under such circumstances, you must particularly advert to that Article; and if the equipment or character of the vessel shall justify her seizure under the stipulations of the Treaty, or if any of the regulations specified in that Article shall be unobserved or violated in respect to such vessel, then she is liable to condemnation, and is to be seized, and carried or sent in for adjudication accordingly.

Treaty;  
Art. V.

If you should determine to seize the vessel, you are forthwith to take possession of the ship's papers, and of all other documents and letters found on board, and to cause a list to be made out thereof in duplicate, according to Form No. 4, verifying the same by your signature; and you are to deliver to the Master of the seized vessel one of the said certified lists.

Form No. 4

You will also at the time of seizure, draw up in writing a declaration, according to Form No. 5; and this declaration is to be signed by yourself, and given in or sent, together with the captured vessel, to the Mixed Commission before which such vessel shall be taken for adjudication.

Annex A,  
Art. III.

Form No. 5

In the event of your seizing a Portuguese vessel, you must without delay either carry her in for trial yourself, or send her in charge of an Officer not below the rank of Lieutenant in the Navy, unless he be third in command: and the Officer sent in charge must be provided with a copy, certified by you, of the Special Order authorizing him to carry the Treaty into effect, and of the Certificate contained in Form No. 1, if the vessel had been searched by you, or in Form No. 2, if she had been searched by an Officer under your command.

CONDUCTING  
TO THE PORT  
OF ADJUDI-  
CATION.

The vessel is to be sent as soon as possible for judgment before that one of the Mixed Commissions established in virtue of the Treaty, which shall be nearest the place of seizure, or which can be soonest reached from such place.

Annex A,  
Art. III.

There are four Mixed Commissions appointed in pursuance of the Treaty: one at the Cape of Good Hope, one at Jamaica, one at Boa Vista, and one at Loanda.

Annex A,  
Art. I.

No part of the crew or passengers, or of the cargo, or of the Slaves found on board the vessel seized, shall be withdrawn from it, until the said vessel shall have been delivered over to one

Annex A,  
Art. IV.

112 INSTRUCTIONS UNDER TREATY WITH PORTUGAL.

of the Mixed Commissions, unless the transfer of the whole or part of the crew, or passengers, or of the whole or part of the Slaves found on board, should be considered necessary, either to preserve their lives, or for any other humane consideration, or for the safety of the persons charged with the conduct of the vessel after its seizure.

In this case you, or the Officer charged with the said seized vessel, as the case may be, must draw out a certificate, according to Form No. 3, in which the reasons of the said transfer are to be specified ; and the Master, Officers, sailors, or passengers so transferred, must be conducted immediately to the same port as the vessel and her cargo.

**PROCEEDINGS AT THE PORT OF ADJUDICATION.** As soon as the Officer in charge of the seized vessel shall have brought her to the place where the Mixed Commission is sitting, he shall deliver to the Court,—

Form No. 4. *First.* Duplicate of the certificate delivered to the Master at time of seizure, according to Form No. 4.

Form No. 5. *Secondly.* The authenticated declaration drawn up also at the time of seizure, according to Form No. 5.

Form No. 6. *Thirdly.* An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed ; and this affidavit must verify the same : Form No. 6 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

**Annex A, Art. III.** *Fourthly.* Another affidavit, in which are to be stated any changes which may have taken place in respect to the vessel, her crew, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such papers : Form No. 7 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

Form No. 7. *Fifthly.* If any transfer shall have taken place, as mentioned in Annex A, Article IV, he will also deliver in to the Court the certificate according to Form No. 3.

The Officer in charge of the vessel will reserve, to be produced on demand of the Court, the other documents with which he will have been furnished, namely :—

1. Copy of Special Order to carry the Treaty into effect.
2. Copy of the certificate No. 1 or No. 2, as the case may have been, delivered to the Master before making the search.

The Officer will then, by himself or agent, proceed in the case, according to the forms of business in use in the Mixed Commissions, which he will learn upon application to the Registrar of the Court.

**Annex A, Art. II.** The rights conferred by the Treaty must in every case, and in all stages, be exercised in the mildest manner, and with every attention which ought to be observed between allied and friendly nations ; and you will bear in mind the responsibility of Great Britain to see that any losses which Portuguese subjects may suffer by the arbitrary or illegal detention of their vessels shall be made good.

You will mark that, in case Her Majesty's Officers deviate

**Treaty; Art. IV.**

in any respect from the stipulations of the Treaty, or the Instructions annexed to it, Her Majesty's Government, upon complaint, is bound to cause enquiry to be made, and to inflict upon the offending Officer a punishment proportionate to any wilful transgression he may have committed.

Treaty;  
Portuguese ships of war duly authorized under the Treaty have the same right of search and detention with respect to British merchant-vessels suspected of being engaged in Slave Trade, as may be exercised by Her Majesty's ships of war so authorized with respect to Portuguese merchant-vessels.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

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[Forms 4 and 5 apply to this Engagement.]

## 22.—MADAGASCAR.

*Instructions for Commanders of Her Majesty's Ships, for carrying into execution the Engagement between Great Britain and Madagascar, signed at Tamatave on the 23rd of October, 1817.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

The Engagement of the 23rd October, 1817, between Great Britain and Madagascar, has one Additional Article of the same date, and an Additional Article bearing date the 11th October, 1820, and four Additional Articles bearing date the 31st May, 1823.

That Engagement and the Additional Articles stipulate, that mutual confidence, friendship, and brotherhood, shall be maintained between the parties; and that in consideration of certain presents therein declared to be made, and other advantages therein stipulated to be conceded to King Radama, an end shall be put to the Slave Trade of Madagascar; and that Her Majesty's ships may seize the ships and vessels of Madagascar carrying on the Slave Trade, and also the ships and vessels of all other nations found in any harbour, port, roadstead, creek, or river, or on the coast of Madagascar, carrying on the Traffic in Slaves, or aiding or abetting in carrying on such traffic.

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SLAVE-VE-  
SEL.Additional.  
Art. of May  
31, 1833.

Form No. 4.

Form No. 5.

Second Ad-  
ditional Ar-  
ticle of 31st  
May, 1833.

Acting in pursuance of these Instructions, you will seize any vessel or boat of Madagascar found anywhere carrying on the Trade in Slaves, and any vessels or boats of other nations found carrying on Slave Trade in the waters of Madagascar.

On seizing any vessel under this Engagement, you will take possession of the ship's papers, making a list thereof, according to Form No. 4, and certifying the same by your signature. You will also draw out, according to Form No. 5, a declaration, stating the circumstances attending the capture, and mentioning the date and place where it was made, and you will certify the same by your signature.

Vessels seized under this Engagement should be taken for trial to the nearest British Court of Vice-Admiralty, and there delivered up, together with the crew, passengers, and Slaves on board, there being no Authorities at Madagascar appointed to receive them for the purpose of adjudication.

The Officer in charge will, at the time of delivering up the vessel to the Authorities before which the case is to be tried, deliver also the ship's papers and certificates thereof, and the captor's declaration of capture.

ENQUIRY.

You will take every opportunity of enquiring,—

*First.* Whether Slaves have been imported into the territory of the King of Madagascar, or taken through it for exportation, or exported from that territory.

*Secondly.* Whether any of the subjects of the said Sovereign have aided, abetted, or assisted in the Slave Trade, either within or without the limits of his territory.

*Thirdly.* Whether any British subjects, of any colour whatever, are detained in Slavery within the territory of Madagascar.

*Fourthly.* Whether British subjects have been treated as friends in that territory.

If it shall appear upon clear evidence, that Slave Trade, contrary to Engagement, is carried on in the territory of the Sovereign of Madagascar, or that the Engagement has been violated in any other respect, you will remonstrate against such breach of Engagement, and require the Sovereign, in a letter, immediately to do justice, by putting the Engagement into complete execution, and punishing the delinquents.

You will consider in all cases the rescue of the Slaves unlawfully held in captivity, as an object of paramount importance, and you will proffer to the Sovereign the assistance of Her Majesty's ship, to enable him to fulfil his obligations.

If the offer of assistance should be accepted by the King, you will not carry your operations further than the King may consent to receive the aid offered.

You will warn the Sovereign, that in case of his contumaciously persisting to violate these obligations, he will bring upon himself the severe displeasure of Her Majesty.

If the King cannot be induced to fulfil the Engagement him-

self, or to accept the assistance of Her Majesty's ship for that purpose, you will report all the circumstances to the Senior Officer in command on the station, who is immediately to communicate the same to the Admiralty, and to await further instructions.

In the event of any British subjects, or British liberated Africans, being held in captivity in Madagascar, it will be your duty to demand their liberation, and if necessary, to compel the King to deliver up all such persons; and for this purpose, and in this case only, force may, without the King's concurrence, and without further instructions, be used on shore. But even in this case it is not to be resorted to, without authority from the Senior Officer, unless the delay caused by a reference to him would endanger the fulfilment of the object, and that it cannot be accomplished by other means; and when force is employed, it is to be strictly confined to the object which it is necessary to ensure, and shall cease the moment that object is attained.

BRITISH SUBJECTS IN CAPTIVITY.

You will take every precaution to prevent unoffending natives from being subjected to insult or ill-usage from any person under your command, and will cause the inhabitants in general to be treated with as much kindness and conciliation as circumstances will permit; and you will on all occasions promote good will and legitimate commerce between the subjects of Her Majesty and the people of Madagascar.

In the event of your proceeding to Madagascar, you will REPORT. report to the Senior Officer all the information you may collect, and all proceedings that may take place with reference to this Engagement, and will forward direct to the Admiralty a duplicate of the Report which you may so make to the Senior Officer.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

## 23.—NEW CESTOS.

*Instructions for the Senior Officer of Her Majesty's Ships and Vessels on the West Coast of Africa, for carrying into execution the Engagement bearing date the 11th of January, 1841. signed at New Cestos, between Her Majesty and King Freeman and Prince Freeman of New Cestos.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

THE Engagement of the 11th January, 1841, between Her Majesty and King Freeman and Prince Freeman of New Cestos, stipulates, that the Slave Trade shall be at once and for ever abolished in the territory of New Cestos; that Englishmen may settle there for innocent trade; and that no white person resorting thither shall be harmed.

You will adopt the most effectual measures for ascertaining whether this Engagement has been duly observed by the Chiefs. You will for that purpose instruct the Commanders of Her Majesty's Ships which you may station in the neighbourhood of New Cestos, to take every opportunity of enquiring,—

**ENQUIRY.** *First.* Whether Slave Trade is carried on or attempted to be carried on at New Cestos.

*Secondly.* Whether the stipulation of the Engagement for the protection of the person and property of British traders has been faithfully observed.

*Thirdly.* Whether any Englishman or other white person has been subjected to insult or injury.

You will at least twice in the year visit New Cestos.

If it shall appear, upon clear evidence, that Slave Trade is carried on in New Cestos, or that the Engagement is infringed in any other respect, you will remonstrate against such breach of Engagement, and require the Chiefs immediately to do justice, by putting the Engagement into complete execution, and punishing the delinquents.

You will consider in all cases the liberation of the Slaves unlawfully held in captivity as an object of paramount importance; and you will proffer to the Chiefs the assistance of Her Majesty's naval force to enable them to fulfil their obligations.

If the offer of assistance should be accepted by the Chief, you will not carry your operations further than the Chief may consent to receive the aid offered.

You will warn the Chiefs, that in case of their persisting to violate the Engagement, they will bring upon themselves the severe displeasure of the British Government.

If the Chiefs cannot be induced to fulfil the Engagement themselves, or to accept the assistance of Her Majesty's naval force for that purpose, you will report immediately all the circumstances to the Admiralty, and await further orders.

In the event of any British subjects, or British liberated Africans, being held in captivity in the territory of New Cestos, it will be your duty to demand their liberation, and, if necessary, to compel the Chiefs to deliver up all such persons; and for this purpose, and in this case only, force may, without the Chiefs' concurrence, and without further instructions, be used on shore: but even in this case, it must not be resorted to, unless the fulfilment of the object cannot be secured by other means; and when force is employed, it is to be strictly confined to the object which it is necessary to secure, and to cease the moment that object is attained.

You will take every precaution to prevent unoffending natives from being subjected to insult or ill-usage from any person under your command, and will cause the inhabitants in general to be treated with as much kindness and conciliation as circumstances will permit; and it will be your duty on all occasions to promote good-will and legitimate commerce between the subjects of Her Majesty and the people of New Cestos.

You will report to the Admiralty all proceedings that may take place on the occasion of visiting New Cestos for the purpose of securing the due fulfilment of this Engagement.

If you are prevented by your other duties from visiting New Cestos as often as before directed, you may appoint a Commander of one of Her Majesty's ships, in whom you have confidence, to carry these Instructions into effect, with strict orders not to deviate therefrom; and the Officer so appointed will forward direct to the Admiralty a duplicate of the Report which he will have to make to you.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms 4 and 5 apply to this Engagement.]

## 24.—GAMBIA.

*Instructions for the Commanders of Her Majesty's Ships stationed in the neighbourhood of the Gambia, on the Coast of Africa, for carrying into execution the Engagement signed at Cartabar on the 23rd of April, 1841, between Her Majesty and Namar Coomba, King of Cartabar.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

THE Engagement of the 23rd of April, 1841, between Her Majesty and Namar Coomba, King of Cartabar, stipulates, that the King of Cartabar shall allow to British subjects the free exercise of the Christian religion, and a free trade and intercourse in the country, and shall put an end to the Traffic in Slaves, throughout his territory; and that Great Britain may seize vessels or boats of Cartabar found carrying on the Slave Trade; and there is an Additional Article, of the same date, which states that the King of Cartabar places his country under the protection of the Queen of England.

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The duty of taking proper measures to secure the due execution of this Engagement, will probably devolve on the Governor of Fort Bathurst; but should any requisition be made to you for assistance, and should it be compatible with your other duties to comply with such application, you will then be guided by this Instruction.

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**SLAVE  
VESSELS.**

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Engagement; Art. II. Form No. 4. Acting in pursuance of this Instruction, you will seize any vessel or boat of Cartabar found in the Gambia carrying on the Trade in Slaves. On seizing any such vessel or boat, you will take possession of any papers on board, making a list thereof, according to Form No. 4, and certifying the same by your signature.

Form No. 5. You will also draw out, according to Form No. 5, a declaration, stating the circumstances attending the capture, and mentioning the date and place when it was made, and you will certify the same by your signature.

Vessels or boats seized under this Engagement, are to be taken to the nearest British Court of Vice-Admiralty for trial.

The Officer in charge is, at the time of delivering up the vessel to the Authorities before which the case is to be tried, to deliver also the ship's papers and Certificate thereof, and the captor's declaration of capture.

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You will take every opportunity of enquiring,—

ENQUIRY.

*First.* Whether Slaves have been imported into the territory of the Chief of Cartabar, or taken through it for exportation, or actually exported from out of that territory.

*Secondly.* Whether any of the subjects of the said Chief have Engagement; aided, abetted, or assisted in the Slave Trade, either within or without the limits of his territory.

*Thirdly.* Whether any white person whatever or any British subjects are detained in Slavery within the territory of Cartabar.

*Fourthly.* Whether British subjects have been allowed to trade freely and been treated as friends in that territory.

*Fifthly.* Whether any British subject has been molested for practising or teaching the Christian religion in Cartabar.

Engagement;

Art. II.

Engagement;

Art. I.

Engagement;

V.

Engagement;

Art. IV.

Engagement;

Art. IV.

If it shall appear upon clear evidence, that Slave Trade,  
contrary to Engagement, is carried on in the territory of the King of Cartabar, or that the Engagement has been decidedly infringed in any respect upon that territory, you will remonstrate against such breach of the Engagement, and require the Chief, in writing, to carry immediately the provisions of the Engagement into complete execution, and to punish the delinquents who may have committed the wrong.

You will consider in all cases the liberation of the Slaves unlawfully held in captivity, as an object of paramount importance; and, when visiting the Gambia, you will proffer to the Chief the assistance of Her Majesty's ship, to enable him to fulfil his obligations.

If the offer of assistance should be accepted by the Chief, you will not carry your operations further than the Chief may consent to receive the aid offered.

You will warn the Chief that in case of his contumaciously persisting to violate these obligations, he will bring upon himself the severe displeasure of the British Government.

If the Chief cannot be induced to fulfil the Engagement himself, or to accept the assistance of Her Majesty's Ship for that purpose, you will report all the circumstances to the Senior Officer, who is to communicate them immediately to the Admiralty, and await further instructions.

In the event of anywhite persons, or of any British subjects, or British liberated Africans, being held in captivity, it will be your duty to demand their liberation, and, if necessary, to compel the Chief to deliver up all such persons, for the purpose of Engagement; being placed under the care of the Lieutenant-Governor of Her Art. I.  
Majesty's settlements on the Gambia.

For this purpose, and in this case only, force may, without the Chief's concurrence, and without further instructions, be used on shore. But even in this case it must not be resorted to, without authority from the Senior Officer, unless the delay caused

by a reference to him would endanger the fulfilment of the object, and that it cannot be accomplished by other means; and when force is employed, it is to be strictly confined to the object which it is necessary to ensure, and to cease the moment that object is attained.

Articles VII, VIII, and IX, contain particular stipulations for the purpose of regulating the intercourse between Her Majesty's subjects and the people of Cartabar.

You will take care to carry these Articles into execution to the best of your power.

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**UNOFFENDING NATIVES.**

You will take every precaution to prevent unoffending natives from being subjected to insult or ill usage from any person under your command, and will cause the inhabitants to be treated with as much kindness and conciliation as circumstances will permit; and you will on all occasions promote good-will and legitimate commerce between the subjects of Her Majesty and the people of Cartabar.

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**REPORT.**

In the event of your proceeding to Cartabar, you will report to the Senior Officer all the information you may collect, and all proceedings that may take place with reference to this Engagement, and will forward direct to the Admiralty a duplicate of the Report which you may so make to the Senior Officer.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

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## 25.—CAMEROONS.

*Instructions for the Senior Officer of Her Majesty's Ships and Vessels on the West Coast of Africa, for carrying into execution the Engagement bearing date the 7th of May, 1841, signed at Bell's Town, Cameroon River, between Her Majesty and King Bell, of Bell's Town, Cameroon; and the Engagement, bearing the same date, signed at Acqua Town, Cameroon River, between Her Majesty and King Acqua, of Acqua Town, Cameroon.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

THE stipulations in each of the Engagements of the 7th of May, 1841, between Her Majesty and King Bell, of Bell's Town,

Cameroon, and between Her Majesty and King Acqua, of Accra-Town, Cameroon, are the same.

The Kings respectively stipulate that, in consideration of certain presents therein agreed to be made on the part of Her Majesty's Government annually for five years, there shall be an end of the Traffic in Slaves described by the Engagements, for ever, through or from the territories of the said Kings; and that, should any Slave-vessels arrive in the River Cameroon, Kings Bell and Acqua will send information thereof to any of Her Majesty's ships that may be in the neighbourhood.

On the exchange of the ratifications of the Engagements, formal declarations were made in writing, on the part of Her Majesty's Government, to the Kings, that if it should at any time hereafter appear that Slave Trade contrary to Engagement, exists in their territory, Great Britain will put it down by force.

You will adopt the most effectual measures for ascertaining whether these Engagements have been duly observed by the Kings.

You will for that purpose instruct the Commanders of Her Majesty's ships which you may station in the neighbourhood of the Cameroons, to take every opportunity of enquiring,—

*First.* Whether Slaves or other persons have been sold for Art. I. the purpose of exportation, or actually exported as Slaves from the territories under the dominion or influence either of King Bell or King Acqua.

*Secondly.* Whether any of the subjects of the said Kings, or Art. I. persons within their jurisdiction, have aided, abetted, or assisted in such sale or export.

*Thirdly.* Whether the Kings have given to Her Majesty's Art. II. Ships in the neighbourhood due information of any Slave-vessel having been in the river.

You will at least twice in the year visit the Kings Bell and Acqua of the Cameroons.

If due information of Slave Trade attempted to be carried on Art. III. has not been given by either King to the ships in the neighbourhood, you will remonstrate with the King committing this breach of the Engagement, and inform him that unless it is carried into full effect, the presents will not be made in future.

Should it appear upon clear evidence, that Slave Trade, con- SLAVE TRADE. trary to Engagement, is carried on in the territory either of King Bell or of King Acqua, it will be your duty to require such King immediately to put down the Trade; and if he do not at once and effectually put it down, you will proceed to do so by force, in pursuance of the rights acquired by Great Britain under the Engagement, considering in all cases the rescue of the Slaves unlawfully held in captivity as an object of paramount importance.

You will seize all persons held in Slavery contrary to the

Engagements, whether ashore or afloat, and require, and, if necessary, compel, the Chiefs to deliver up to you all persons so circumstanced. You will take them into your possession for the purpose of liberation in a British colony.

If any British subjects, or British liberated Africans are held in captivity in the territories either of King Bell or King Acqua, it will be your duty to demand their liberation, and if necessary to compel the Chiefs to deliver up all such persons.

If it should be found, that any European or other person whatever is residing within the territory either of King Bell or King Acqua for the purpose of carrying on the Slave Trade, you will immediately make application to the King, and require him, in pursuance of the Engagement, to cause such person to quit the territory.

You will also require the King to destroy any house, store, or building, or boats or implements which may be in actual use in his territory for the purpose of carrying on the Slave Trade ; and in the event of his refusal so to do, you will yourself effect such destruction.

In such case articles found in a Slave Factory in direct use for Slave Trade, are to be destroyed, together with the building. But care must be taken to except from such destruction merchandize or other goods destined for legitimate trade or use, whether belonging to native or foreign traders.

No articles, however trifling in value, are, on any pretence whatever, to be taken away by any person belonging to Her Majesty's ships, excepting articles in direct use for Slave Trade, for the purpose of their immediate and more effectual destruction at sea.

A memorandum is to be taken of the articles that may be removed for this purpose, and a statement of their disposal must be included in the general report of the proceedings.

Force must not be resorted to, save when, without it, the fulfilment of the Engagement cannot be secured ; and when force is thus employed, it is to be strictly confined to the object which it is necessary to ensure, and to cease the moment that object is attained.

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It is not the purpose or intent of these Engagements to cause any interference with the system of domestic Slavery which prevails in the territories of King Bell or King Acqua ; and it is of importance to avoid raising any fears in their minds that any change in this respect is intended ; you will therefore be careful not to interfere in any way whatever with the agricultural and domestic Slaves belonging to the country.

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**UNOBFEND-  
ING NATIVES.** You will adopt every precaution to prevent unoffending natives from being subjected to insult or ill usage from any person under your command. You will cause the inhabitants to be treated with as much kindness and conciliation as circumstances will permit. No injury whatever is on any occasion to be done

to legitimate commerce ; but, on the contrary, every endeavour is to be used to encourage it, and to protect all persons carrying on innocent traffic in the interior or on the coast.

You will report to the Admiralty all proceedings that may ~~Report.~~  
take place on the occasion of visiting the Cameroons, for the purpose of securing the due fulfilment of these Engagements.

If you are prevented by your other duties from visiting the Cameroons as often as before directed, you may appoint a Commander of one of Her Majesty's ships, in whom you have confidence, to carry these Instructions into effect, with strict orders not to deviate therefrom ; and the Officer so appointed will forward direct to the Admiralty a duplicate of the Report which he will have to make to you.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.

[Forms 4 and 5 apply to this Engagement.]

## 26.—NIGER.

*Instructions for the Senior Officer of Her Majesty's Ships and Vessels on the West Coast of Africa, for carrying into execution the Engagement signed off Aboh on the 28th of August, 1841, between Her Majesty and Obi Osai, Chief of Aboh; and the Engagement signed at Iddah on the 8th September, 1841, between Her Majesty and Ochijeh, the Chief of Egarrá.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

The stipulations in each of the Engagements of the 28th August, 1841, between Her Majesty and Obi Osai, Chief of Aboh, and between Her Majesty and Ochijeh, the Chief of Egarrá, are the same.

The Chiefs respectively stipulate, that in consideration of certain presents from Her Majesty's Government, and of duties to be levied by the Chiefs on British goods, they shall allow the free exercise of the Christian religion, permit free trade and intercourse to British subjects, and put an end to the Traffic in Slaves in their territories.

It is further stipulated in these Engagements, that Her Ma-

jesty's forces may seize all vessels or boats of Aboh or Egarrā found carrying on the Slave Trade, and any other vessels or boats found carrying on such Trade in the waters of Aboh or Egarrā, provided they belong to nations with which Great Britain has concluded Treaties for suppressing the Slave Trade ; and that if at any future time it shall appear that the Chief of Aboh or of Egarrā has infringed his Engagement, such Chief will subject himself to the severe displeasure of the Queen, and the loss of the duties stipulated.

An Additional Stipulation states that no human being shall henceforward be sacrificed on account of religious or other ceremonies or customs in the Aboh or Egarrā countries.

**SLAVE  
VESSELS.**

**Engagement;**  
**Art. II.**

Acting in pursuance of this Instruction, you will seize any vessel or boat of Aboh or Egarrā found anywhere carrying on the Trade in Slaves, and any vessel or boat of other nations, with whom Great Britain has concluded Treaties for suppressing Slave Trade, found carrying on such trade in the waters of Aboh or Egarrā.

**Form No. 4.** On seizing any vessels or boats belonging to Aboh or Egarrā, you will take possession of any papers on board, making a list thereof, according to Form No. 4, and certifying the same by your signature.

**Form No. 5.** You will also draw out, according to Form No. 5, a declaration, stating the circumstances attending the capture, and mentioning the date and place where it was made ; and you will certify the same by your signature.

Vessels or boats belonging to Aboh or Egarrā, if they be taken in the waters of those countries, may, according to Article III of the Engagement, be tried on board Her Majesty's ship making the seizure ; if taken elsewhere they are to be carried to the nearest British Court of Vice-Admiralty for trial ; but, there being no legislative authority for trying on board Her Majesty's ships vessels captured for Slave Trade, you will carry vessels or boats of Aboh or Egarrā, wherever captured, to the nearest British Court of Vice-Admiralty for trial ; and the Officer in charge will, at the time of delivering up the vessel or boat to the Authorities before which the case is to be tried, deliver also the ship's papers and certificates thereof, and the captor's declaration of capture.

Vessels of other nations taken in the waters of Aboh or Egarrā will be dealt with according to the directions applicable to their flag.

You will adopt the most effectual measures for ascertaining whether the Engagements have been duly observed by the Chiefs.

You will for that purpose instruct the Commanders of Her Majesty's ships which you may station in the neighbourhood of the Niger, to take every opportunity of enquiring.—

*First Whether Slaves have been imported into the territory*

**ENQUIRY.**

of the Chiefs of Aboh or Egarra, or taken through it for exportation, or actually exported from out of those territories.

*Secondly.* Whether any of the subjects of the Chiefs have Engaged; aided, abetted, or assisted in the Slave Trade, either within or without the limits of their respective territories. Art. I.

*Thirdly.* Whether any white person whatever, or any British subjects, or British liberated Africans, are or have been detained in Slavery within the territory of Aboh or Egarra. Art. IV.

*Fourthly.* Whether British subjects have been allowed to trade freely and been treated as friends in those territories. Art. VII.

*Fifthly.* Whether any one has been molested for practising or teaching the Christian religion in Aboh or Egarra. Art. VI.

*Sixthly.* Whether any human sacrifices have taken place in Aboh or Egarra. Additional Article to Engagement of September 6, 1841.

Should it appear upon clear evidence, that Slave Trade, contrary to Engagement, is carried on in the territory of Aboh or Egarra, or that the Engagements have been decidedly infringed in any other respects in those territories, you will remonstrate against such breach of the Engagements, and require the Chief, in writing, to carry immediately the provisions of the Engagement into complete execution, and to punish the delinquents who may have committed the wrong.

You will consider in all cases the liberation of the Slaves unlawfully held in captivity as an object of paramount importance.

And in visiting Aboh or Egarra, you will proffer to the Chief the assistance of Her Majesty's ship to enable him to fulfil his obligations.

If the offer of assistance should be accepted by the Chief, you will not carry the operations further than the Chief may consent to receive the aid offered.

You will warn the Chief, in pursuance of the 15th Article, that in case of his persisting to violate his Engagement, he will bring on him the severe displeasure of the British Government.

If the Chief cannot be induced to fulfil the Engagement himself, or to accept the assistance of Her Majesty's ship for that purpose, you will immediately report all the circumstances to the Admiralty, and await further instructions.

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In the event of any white persons, or British liberated Africans, or of any British subjects of whatever colour, being held in captivity, contrary to Engagement, it will be your duty to demand their liberation, and, if necessary, to compel the Chief to deliver up to them all such persons; and for this purpose, and in this case only, force may, without the Chief's concurrence, and without further instructions, be used on shore: but even in this case, it must not be resorted to, unless the fulfilment of this object cannot be secured by other means; and when force is employed, it is to be strictly confined to the object which it is

BAITIAN SUB-  
JECTS IN CAP-  
TIVITY.  
Engagement;  
Art. IV.

**ENGAGEMENTS WITH THE CHIEFS OF THE NIGER.**

necessary to ensure, and to cease the moment that object is attained.

Articles IX, X, and XI, contain particular stipulations for the purpose of regulating the intercourse between Her Majesty's subjects and the people of Aboh and Egarra.

You will take care to carry these Articles into execution to the best of your power.

**UNOFFENDING NATIVES.**  
Engagement; Art. XI.

You will take every precaution to prevent unoffending natives from being subjected to insult or ill-usage from any person under your command, and will cause the inhabitants to be treated with as much kindness and conciliation as circumstances will permit; and you will on all occasions promote good will and legitimate commerce between the subjects of Her Majesty and the people of Aboh and Egarra.

**REPORT.**

You will report to the Admiralty all the information you may collect, and all proceedings that may take place with reference to these Engagements.

If you are prevented by your other duties from visiting Aboh or Egarra, you may appoint a Commander of one of Her Majesty's ships, in whom you have confidence, to carry these Instructions into execution, with strict orders not to deviate therefrom; and the officer so appointed will forward direct to the Admiralty a duplicate of the Report which he will have to make to you.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,

SIDNEY HERBERT.

## 27.—OLD CALEBAR.

*Instructions for the Senior Officer of Her Majesty's Ships and Vessels on the West Coast of Africa, for carrying into execution the Engagement signed at Calebar on the 6th of December, 1841, between Her Majesty and King Eyo, of Creek Town, Calebar, and the Engagement signed at Calebar Town, on the same day, between Her Majesty and Eyamba, King of Calebar.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

THE Engagements of the 6th December, 1841, between Her Majesty and Kings Eyo and Eyamba of the Calebar, have each two Additional Articles bearing date the 30th of November, 1842.

The stipulations in each of these Engagements and their Additional Articles are the same.

The Kings respectively stipulate that, in consideration of certain presents therein agreed to be made on the part of Her Majesty's Government, annually, for five years, there shall be an end of the Traffic in Slaves described by the Engagements for ever, through or from the territories of the said Kings; and that if any Slave-vessels arrive in the Calebar River, Kings Eyo and Eyamba are to give information thereof to the Commander of any of Her Majesty's ships that may be in the neighbourhood:—

And in the Additional Articles, the Kings stipulate, that if at any future time it shall appear that Slave Trade has been carried on through or from the territory of the Kings in question, Great Britain may put down such Slave Trade by force.

You will adopt the most effectual measures for ascertaining whether these Engagements have been duly observed by the Kings.

You will for that purpose instruct the Commanders of Her Majesty's ships which you may station in the neighbourhood of Calebar River, to take every opportunity of enquiring,—

*First.* Whether Slaves or other persons have been sold for ~~Enguar.~~ the purpose of exportation, or actually exported, to be used as Slaves, from the territories under the dominion or influence either of King Eyo or of King Eyamba.

*Secondly.* Whether any of the subjects of the said Kings, or persons within their jurisdiction, have aided, abetted, or assisted in such sale or export.

*Thirdly.* Whether the Kings have given to Her Majesty's

ships in the neighbourhood due information of any Slave-vessel having been in the river.

You will at least twice in the year visit the Kings Eyo and Eyamba.

If due information of Slave Trade attempted to be carried on in the river has not been given by either King to Her Majesty's ships in the neighbourhood, you will remonstrate with the King committing this breach of the Engagement, and inform him that unless it is carried into full effect, the presents will not be made in future.

Should it appear upon clear evidence, that Slave Trade, contrary to Engagement, is carried on either in the territory of King Eyo, of Creek Town, or of Eyamba, King of Calebar, it will be your duty to require the King immediately to put down the same; and if he do not at once and effectually put it down, you will proceed to do so by force, including, if necessary, the stopping the trade in the river, in pursuance of the right acquired by Great Britain under the Engagements, considering in all cases the rescue of the Slaves unlawfully held in captivity as an object of paramount importance.

You will seize all persons held in Slavery contrary to the Engagements, whether ashore or afloat, and require, and, if necessary, compel, the King to deliver up to you all persons so circumstanced: you will take them into your possession for the purpose of liberation in a British colony.

If any British subjects, or British liberated Africans, are held in captivity in the territories either of King Eyo or King Eyamba, it will be your duty to demand their liberation, and if necessary to compel the Chiefs to deliver up all such persons.

If it shall be found, that any European or other person whatever is residing within the territories either of King Eyo or King Eyamba, for the purpose of carrying on the Slave Trade, you will immediately make application to the King, and require him, in pursuance of the Engagement, to cause such person to quit the territory.

You will also require the King to destroy any house, store, or building, or boats or implements which may be in actual use in his territory for the purpose of carrying on the Slave Trade; and in the event of his refusal so to do, you will yourself effect such destruction.

In such case, articles found in a Slave Factory in direct use for Slave Trade, are to be destroyed, together with the building; but care must be taken to except from such destruction, merchandise or other goods destined for legitimate trade or use, whether belonging to native or foreign traders.

No articles, however trifling in value, are, on any pretence whatever, to be taken away by any person belonging to Her Majesty's ships, excepting articles in direct use for Slave Trade, for the purpose of their immediate and more effectual destruction at sea.

An memorandum is to be taken of the articles which may be removed for this purpose, and a statement of their disposal must be included in the general report of the proceedings.

Force must not be resorted to, save when, without it, the fulfilment of the Engagements cannot be secured; and when force is thus employed, it is to be strictly confined to the object which it is necessary to ensure, and to cease the moment that object is attained.

It is not the purpose or intent of these Engagements to cause any interference with the system of domestic Slavery which prevails in the State of King Eyo or King Eyamba; and it is of importance to avoid raising any fears in their minds that any change in this respect is intended. You will, therefore, be careful not to interfere in any way whatever with the agricultural and domestic Slaves belonging to the country.

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You will adopt every precaution to prevent the unoffending ~~UNOFFENDING~~ <sup>IN</sup> NATIVES from being subjected to insult or ill usage by any person under your command, and will cause the inhabitants to be treated with as much kindness and conciliation as circumstances will permit. No injury whatever is on any occasion to be done to legitimate commerce; but, on the contrary, every endeavour is to be used to encourage it, and to protect all persons carrying on innocent traffic in the interior or on the coast.

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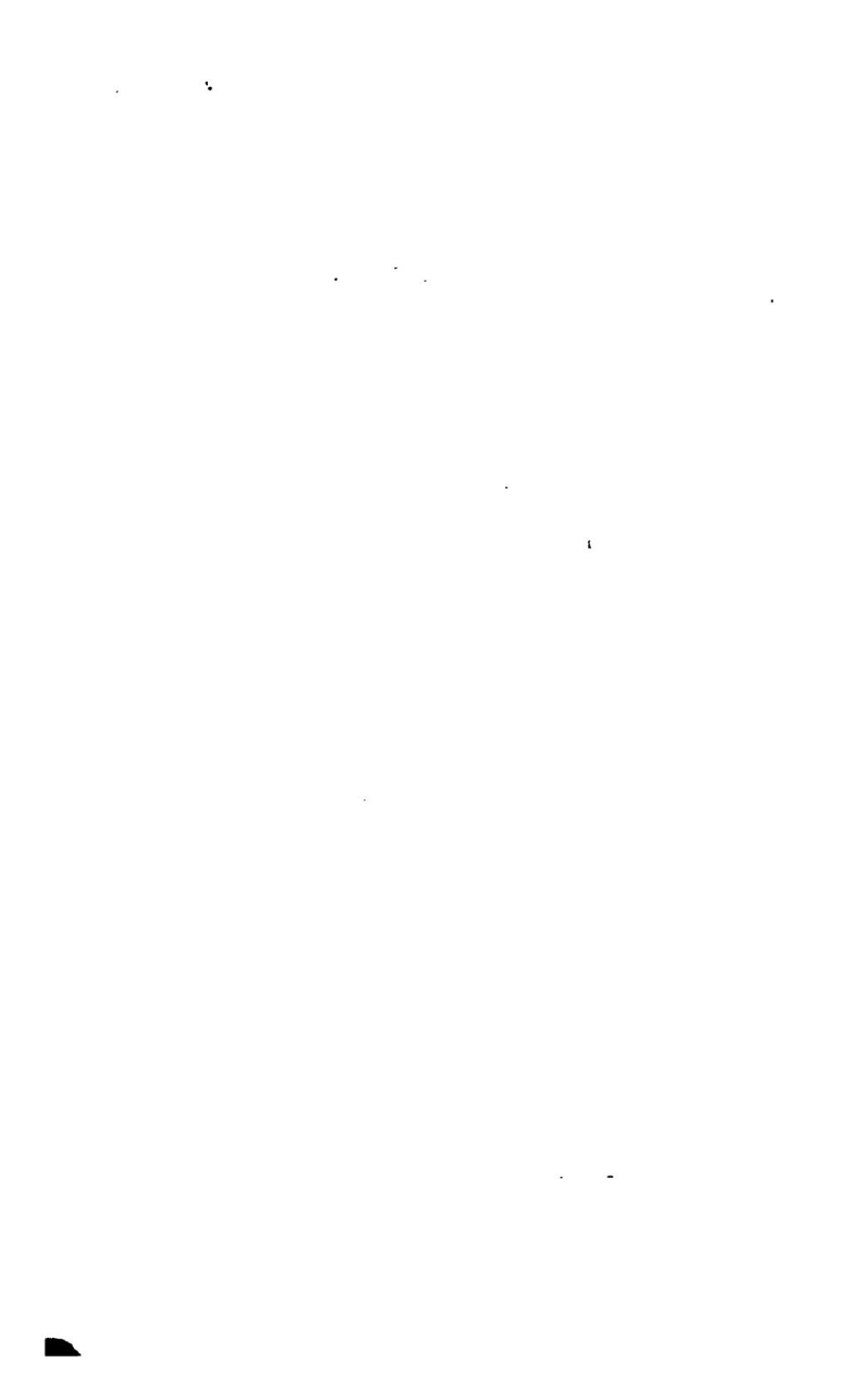
You will report to the Admiralty all proceedings that may ~~REPORT~~ take place on the occasion of visiting Calebar River, for the purpose of securing the due fulfilment of these Engagements.

If you are prevented by your other duties from visiting Calebar River as often as before directed, you may appoint a Commander of one of Her Majesty's ships, in whom you have confidence, to carry these Instructions into effect, with strict orders not to deviate therefrom; and the Officer so appointed will forward direct to the Admiralty, a duplicate of the Report which he will have to make to you.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

By command of their Lordships,  
SIDNEY HERBERT.



## **APPENDICES.**



## APPENDIX TO SECTION FIRST.

*Form of Affidavit to be made by the Commander, or Officer in charge of a detained Vessel, on bringing the Ship's papers into Court.*

In the business of the \_\_\_\_\_ vessel \_\_\_\_\_  
whereof \_\_\_\_\_ was Master.

Appeared personally \_\_\_\_\_ of Her Britannic Majesty's ship of war \_\_\_\_\_ and made oath, that the documents, letters, and writings, hereunto annexed, marked from No. —— to No. —— inclusive, were, to the best of his knowledge and belief, all the papers found on board the said vessel at the time of her seizure: and that the further documents, letters, and writings, hereunto annexed, marked from No. —— to —— inclusive, were, to the best of his knowledge and belief, all the papers which have since been found on board of the said vessel; and that the said further papers were seized at the dates and under the circumstances, as follows:—

If no papers are found subsequently to seizure of the vessel, this paragraph to be omitted.

and lastly, the said deponent maketh oath, that the whole of the said papers, herein referred to and annexed, are now brought and delivered up in the same plight and condition as when received or found by this deponent, without any fraud, addition, subdiction, alteration, or embezzlement whatever, save the numbering and marking thereof.

All circumstances attending the finding or delivery up of such further papers are to be fully stated in this Affidavit.

On the —— day of ——  
the said \_\_\_\_\_  
was duly sworn to the truth of this  
Affidavit.

Before me,

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This Affidavit must be signed and sworn to by the Commander of the seizing ship, or the Officer in charge of the detained vessel, before the person duly authorized to administer the oath.

## APPENDIX TO SECTION THIRD.

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5 GEORGE IV, c. cxiii.

*An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade. [24th June, 1824.]*

WHEREAS it is expedient that the various Acts and Enactments relating to Slavery and the Slave Trade should be consolidated and amended; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the first day of January, in the year of our Lord one thousand eight hundred and twenty-five, all the Acts and Enactments relating to the Slave Trade and the Abolition thereof, and the Exportation and Importation of Slaves, shall be and the same are hereby repealed, save and except in so far as they may have repealed any prior Acts or Enactments, or may have been acted upon, or may be expressly confirmed by this present Act.

All Acts relating to the Slave Trade, and the exportation and importation of slaves, repealed.

The purchase, sale, or contract for slaves declared unlawful; as also the exportation and importation of slaves:

the shipping of slaves in order to exportation or importation;

the fitting out vessels;

II. And be it further enacted, That it shall not be lawful (except in such special cases as are hereinafter mentioned) for any person to deal or trade in, purchase, sell, barter, or transfer, or to contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves, or persons intended to be dealt with as slaves; or to carry away or remove or to contract for the carrying away or removing of slaves or other persons, as or in order to their being dealt with as slaves; or to import or bring, or to contract for the importing or bringing into any place whatsoever, slaves or other persons, as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being carried away or removed, as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being imported or brought into any place whatsoever, as or in order to their being dealt with as slaves; or to fit out, man, navigate, equip, dispatch, use, employ, let, or take to freight or on hire, or to contract for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting, or taking to freight or on hire, any ship, vessel, or boat, in order to accomplish any of the objects, or the contracts in relation to the

objects, which objects and contracts have hereinbefore been declared unlawful; or to lend or advance, or become security for the loan or advance, or to contract for the lending or advancing, or becoming security for the loan or advance of money, goods, or effects, employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or to become guarantee or security, or to contract for the becoming guarantee or security for agents employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or in any other manner to engage or to contract to engage directly or indirectly therein as a partner, agent, or otherwise; or to ship, tranship, lade, receive, or the shipping put on board, or to contract for the shipping, transshipping, lading, receiving, or putting on board of any ship, vessel, or boat, money, goods, or effects, to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or to take the charge or command, or to navigate or enter and embark on board, or to contract for the taking the charge or command, or for the navigating or entering and embarking on board of any ship, vessel, or boat, as captain, master, mate, petty officer, surgeon, supercargo, seaman, marine, or servant, or in any other capacity, knowing that such ship, vessel, or boat is actually employed, or is in the same voyage, or upon the same occasion, in respect of which they shall so take the charge or command, or navigate or enter and embark, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or to insure or to contract for the insuring of any slaves, or any property, or other subject matter, engaged or employed, or intended to be engaged or employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful.

III. And be it further enacted, That (except in such special cases as are in and by this Act permitted) if any persons shall deal or trade in, purchase, sell, barter, or transfer, or contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves, or persons intended to be dealt with as slaves, or shall carry away or remove or contract for the carrying away or removing of slaves, or other persons, as or in order to their being dealt with as slaves, or shall import or bring, or contract for the importing or bringing into any place whatsoever slaves or other persons, as or in order to their being dealt with as slaves, or shall ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being carried away or removed, as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine or shipping

making loans  
or guaranteees;

the shipping  
of goods, &c.;

or serving on  
board ships  
employed for  
any of the  
aforesaid  
purposes;

or the insur-  
ing of slave  
adventures.

Penalty for  
dealing in  
slaves, or ex-  
porting or im-  
porting them, &c.;

or shipping

slaves for the purpose of exportation or importation. on board, or contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being imported or brought into any place whatsoever, as or in order to their being dealt with as slaves, then and in every such case the person so offending, and their procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence the sum of one hundred pounds of lawful money of Great Britain for each and every slave so dealt or traded in, purchased, sold, bartered, or transferred, carried away, removed, imported, brought, shipped, transshipped, embarked, received, detained, or confined on board, or so contracted for as aforesaid ; the one moiety thereof to the use of His Majesty, his heirs and successors, and the other moiety to the use of any person who shall inform, sue, and prosecute for the same ; and all property or pretended property in such slaves or persons as aforesaid shall also be forfeited, and the said slaves or persons, shall and may be seized and prosecuted as hereinafter is mentioned and provided.

**Penalty for fitting out slave ships.**

IV. And be it further enacted, That (except in such special cases or for such special purposes as are in and by this Act permitted) if any persons shall fit out, man, navigate, equip, dispatch, use, employ, let or take to freight or on hire, or contract for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting or taking to freight or on hire, any ship, vessel, or boat, in order to accomplish any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful, such ship, vessel, or boat, together with all her boats, guns, tackle, apparel, and furniture, and together likewise with all property, goods, or effects found on board, belonging to the owner or owners, part owner or part owners of any such ship, vessel, or boat, shall become forfeited, and may and shall be seized and prosecuted as hereinafter is mentioned and provided.

**Penalty for embarking capital in the Slave Trade.**

V. And be it further enacted, That (except in such special cases or for such special purposes as are in and by this act permitted) if any persons shall knowingly and wilfully lend, or advance, or become security for the loan or advance, or shall contract for the lending or advancing, or becoming security for the loan or advance of money, goods, or effects, employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful, then and in every such case the persons so offending, and their procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence double the value of all the money, goods, and effects so lent, advanced, or secured, or so contracted for as aforesaid, to be recovered and applied as is hereinafter mentioned and provided.

**Penalty for guaranteeing slave adventures.**

VI. And be it further enacted, That (except in such special cases or for such special purposes as are in and by this act permitted) if any persons shall knowingly and wilfully become guarantee or security, or contract for the becoming guarantee or

security for agents employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful, or shall in any other manner engage or contract to engage directly or indirectly therein, as a partner, agent, or otherwise, then and in every such case the persons so offending, and their procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence double the value of all the money, goods, and effects so by them secured or contracted so to be as aforesaid, to be recovered and applied as is hereinafter mentioned and provided.

VII. And be it further enacted, That (except in such special cases or for such special purposes as are in and by this Act permitted) if any person shall knowingly and wilfully ship, <sup>Penalty for shipping goods to be employed in tranship, lade, receive, or put on board, or contract for the</sup> the Slave <sup>Trade.</sup> shipping, transshipping, lading, receiving, or putting on board of any ship, vessel or boat, any money, goods, or effects to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful, then and in every such case the persons so offending, and their procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence double the value of all the money, goods, and effects so shipped, transshipped, laden, received or put on board, or contracted so to be as aforesaid, to be recovered and applied as is hereinafter mentioned and provided.

VIII. And be it further enacted, That (except in such special cases or for such special purposes as are in and by this Act permitted) if any person shall knowingly and wilfully insure or contract for the insuring of any slaves, or any property or other subject matter engaged or employed, or intended to be engaged or employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful, then and in every such case the persons so offending, and their procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence the sum of one hundred pounds of lawful money of Great Britain for every such insurance or contract for the same, and also treble the amount of the premium of any such insurance or contract for the same, the one moiety thereof to the use of His Majesty, his heirs and successors, and the other moiety to the use of any person who shall inform, sue, and prosecute for the same, and every such insurance shall be absolutely null and void.

IX. And be it further enacted, That if any subject or subjects of His Majesty, or any person or persons residing or being within any of the dominions, forts, settlements, factories, or territories, now or hereafter belonging to His Majesty, or being in His Majesty's occupation or possession, or under the government of the United Company of Merchants of England trading to the East Indies, shall, except in such cases as are in and by this Act permitted, after the first day of January one thousand eight hundred and twenty-five, upon the high seas, or in any

Dealing in  
slaves on the  
high seas,  
&c. to be  
deemed  
piracy.

haven, river, creek, or place where the admiral has jurisdiction, knowingly and wilfully carry away, convey, or remove or aid or assist in carrying away, conveying or removing, any person or persons as a slave or slaves, or for the purpose of his, her, or their being imported or brought as a slave or slaves, into any island, colony, country, territory, or place whatsoever, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a slave or slaves, or shall after the said first day of *January* one thousand eight hundred and twenty-five, except in such cases as are in and by this Act permitted, upon the high seas, or within the jurisdiction aforesaid, knowingly and wilfully ship, embark, receive, detain, or confine, or assist in shipping, embarking, receiving, detaining, or confining on board any ship, vessel, or boat, any person or persons for the purpose of his, her, or their being carried away, conveyed or removed as a slave or slaves, or for the purpose of his, her, or their being imported or brought as a slave or slaves into any island, colony, country, territory, or place whatsoever, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a slave or slaves, then and in every such case the person or persons so offending shall be deemed and adjudged guilty of piracy, felony, and robbery, and being convicted thereof shall suffer death without benefit of clergy, and loss of lands, goods, and chattels, as pirates, felons, and robbers upon the seas ought to suffer.

Persons dealing in slaves, cases as are in and by this Act permitted or otherwise provided for;

or shipping slaves in order to exportation or importation;

or fitting out slave ships;

X. And be it further enacted, That (except in such special cases as are in and by this Act permitted or otherwise provided for) if any persons shall deal or trade in, purchase, sell, barter, or transfer, or contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves, or persons intended to be dealt with as slaves, or shall, otherwise than as aforesaid, carry away or remove, or contract for the carrying away or removing of slaves or other persons, as or in order to their being dealt with as slaves ; or shall import or bring, or contract for the importing or bringing, into any place whatsoever, slaves or other persons, as or in order to their being dealt with as slaves ; or shall, otherwise than as aforesaid, ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being carried away or removed, as or in order to their being dealt with as slaves ; or shall ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being imported or brought into any place whatsoever, as or in order to their being dealt with as slaves ; or shall fit out, man, navigate, equip, dispatch, use, employ, let or take to freight or on hire, or contract for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting or taking to freight or on hire, any ship, vessel, or boat, in order to accomplish any of the objects, or

the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful ; or shall knowingly and wilfully lend or advance, or become security for the loan or advance, or contract for the lending or advancing, or becoming security for the loan or advance of money, goods, or effects, employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful ; or shall knowingly and wilfully become guarantee or security, or contract for the becoming guarantee or security, for agents employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful, or in any other manner to engage, or to contract to engage, directly or indirectly therein, as a partner, agent, or otherwise ; or shall knowingly and wilfully ship, tranship, lade, receive, or put on board, or contract for the shipping, transhipping, lading, receiving, or putting on board of any ship, vessel, or boat, money, goods, or effects to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful ; or shall take the charge or command, or navigate, or enter and embark on board, or contract for the taking the charge or command, or for the navigating or entering and embarking on board of any ship, vessel, or boat, as captain, master, mate, surgeon, or supercargo, knowing that such ship, vessel, or boat is actually employed, or is in the same voyage, or upon the same occasion, in respect of which they shall so take the charge or command, or navigate or enter and embark, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful ; or shall knowingly and wilfully insure or contract for the insuring of any slaves, or any property or other subject matter engaged or employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful ; or shall wilfully and fraudulently forge or counterfeit any certificate, certificate of valuation, sentence, or decree of condemnation or restitution, copy of sentence or decree of condemnation or restitution, or any receipt (such receipts being required by this act), or any part of such certificate, certificate of valuation, sentence or decree of condemnation or restitution, copy of sentence or decree of condemnation or restitution, or receipt as aforesaid ; or shall knowingly and wilfully utter or publish the same, knowing it to be forged or counterfeited, with intent to defraud His Majesty, his heirs or successors, or any other person or persons whatsoever, or any body politic or corporate ; then and in every such case the person or persons so offending, and their procurers, counsellors, aiders, and abettors, shall be and are hereby declared to be felons, and shall be transported beyond sea for a term not exceeding fourteen years, or shall be confined and kept to hard labour for a term not exceeding five years,

or embarkin  
capital in  
the Slave  
Trade;

or guarantee  
ing slave ad-  
venturers;

or shipping  
goods, &c. to  
be employed  
in the Slave  
Trade;

or serving on  
board slave  
ships as cap-  
tain, master,  
&c. surgeon,  
&c.;

or insuring  
slave adven-  
tures;

or forging  
instruments  
relating to  
the slave  
laws;

declared  
guilty of  
felony, &c.

Seamen, &c.  
serving on  
board such  
ships, guilty  
of mis-  
demeanour.

nor less than three years, at the discretion of the court before whom such offender or offenders shall be tried and convicted.

XI. And be it further enacted, That (except in such special cases or for such special purposes as are in and by this Act expressly permitted) if any persons shall enter and embark on board, or contract for the entering and embarking on board of any ship, vessel, or boat, as petty officer, seaman, marine, or servant; or in any other capacity not hereinbefore specifically mentioned; knowing that such ship, vessel, or boat is actually employed, or is in the same voyage, or upon the same occasion, in respect of which they shall so enter and embark on board, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; then and in every such case the persons so offending, and their procurers, counsellors, aiders, and abettors, shall be and they are hereby declared to be guilty of a misdemeanour only, and shall be punished by imprisonment for a term not exceeding two years.

XII. Provided always, and it is hereby further enacted and declared, That nothing in this act contained, making piracies, felonies, robberies, and misdemeanors of the several offences aforesaid, shall be construed to repeal, annul, or alter the provisions and enactments in this Act also contained, imposing forfeitures and penalties or either of them upon the same offences, or to repeal, annul, or alter the remedies given for the recovery thereof; but that the said provisions and enactments imposing forfeitures and penalties shall in all respects be deemed and taken to be in full force, it being the true intent and meaning of this Act, that the right and privilege heretofore exercised of suing in Vice-Admiralty Courts for the forfeitures or penalties shall remain in full force and effect as before the passing of this Act; and the jurisdiction of the said Vice-Admiralty Courts in all cases of forfeitures and penalties imposed by this Act is hereby established, given, ratified, and confirmed.

Nothing  
herein shall  
prevent per-  
sons from  
purchasing  
slaves in any  
island, &c.  
belonging to  
His Majesty,  
provided  
such slaves  
shall be  
employed in  
the same  
island, &c.

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall prevent or be construed to prevent any persons from dealing or trading in, purchasing, selling, bartering, or transferring, or from the contracting for the dealing or trading in, purchase, sale, barter, or transfer of any slaves or slave, lawfully being within any island, colony, dominion, fort, settlement, factory or territory belonging to or in the possession of His Majesty, in case such dealing or trading, purchase, sale, barter, transfer, or contract shall be made and entered into with the true intent and purpose of employing or working such slaves or slave within such and the same island, colony, dominion, fort, settlement, factory, or territory in which they, he, or she may lawfully be at the time of the making or entering into any such dealing or trading, purchase, sale, barter, transfer, or contract.

Such slaves  
may be re-  
moved coast-  
wise, or by

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall prevent or be construed to prevent any person from carrying away or removing by land or

coastwise, or from contracting for the carrying away or removing land, to any other part of the same part by land, or coastwise, of any slaves, lawfully being in any part of any island, colony, dominion, fort, settlement, factory, or island, &c. territory belonging to or in the possession of His Majesty, to any other part of the same island, colony, dominion, fort, settlement, factory, or territory: Provided always, that where two or more islands are comprised in the same colonial government, nothing in this Act contained shall prevent or be construed to prevent any proprietor of slaves, lawfully being in any one of such islands, from carrying away or removing such slaves to any other island, within the same government, for the purpose of cultivating any estate or plantation belonging to such proprietor himself, provided that such special purpose of the removal shall previously be made to appear to the satisfaction of the governor or lieutenant-governor, or other person having the chief civil command for the time being within such government, who thereupon shall and may grant a licence for such removal, specifying therein the special cause thereof; but before any slave or slaves shall, by virtue of any such licence, be so removed or embarked on board of any ship or vessel for that purpose, such clearances or permits and such certificates shall be obtained as are herein-after mentioned and directed in regard to domestic slaves attending on their owner or master or his family by sea.

XV. Provided also, and be it further enacted, That it shall and may be lawful for His Majesty, his heirs and successors, by any order or orders to be by him or them from time to time issued, with the advice of his or their privy council, to authorize and permit, until the thirty-first day of July, one thousand eight hundred and twenty-seven, and to the end of the next ensuing session of parliament, and no longer, the removal of any slaves from any island in the *West Indies* belonging to or in the possession of His Majesty, to any other island in the *West Indies* belonging to or in the possession of His Majesty, in case it shall be made to appear to His Majesty, his heirs and successors, and his or their council, that such removal is essential to the welfare of the slaves proposed to be so removed: Provided also that it shall and may be lawful for His Majesty, his heirs and successors, by any such order or orders as aforesaid, to make and establish such stipulations, conditions, and regulations for the benefit of such slaves in the island to which they may be so removed, as to His Majesty, his heirs and successors, with the advice of his or their council, may seem meet, and to take security in double the value of the slaves so to be removed (such value to be estimated according to the price of slaves in the island to which such slaves are to be taken) by bond or recognizance to be made and entered into by the person or persons to whom the application of whom such licence may be granted, with at least two sufficient sureties, for the due and faithful observance and performance of all such stipulations, conditions, and regulations as aforesaid; and all orders in council to be so issued as aforesaid shall be laid before both houses of parliament within six weeks next after the commencement of each session.

Where there are two or more islands comprised in the same colonial government, proprietors of slaves may remove them to any island within the government, the governor granting licence for that purpose.

His Majesty in council may authorize, until 31 July, 1827, the removal of slaves from any British Island in the West Indies to another British Island there, in case it shall appear that such removal is essential for the welfare of the slaves: And such stipulations and conditions shall be established for the benefit of such slaves as His Majesty in council shall think fit. Security to be taken.

**Convict slaves may be transported from a British island to a foreign settlement.**

XVI. Provided also, and be it further enacted, That nothing in this Act contained shall prevent the transportation to any foreign colony or place of any slave or slaves that shall have been convicted in any court of record, by due course of law, in any present or future British island or colony, of any crime to which the punishment of transportation is or shall be annexed by the law of such island or colony; but in every such case a copy of the judgment or sentence, certified by the court before which the offender was convicted, shall be put on board in the ship or vessel in which any such convict shall be transported.

**Domestic slaves may accompany their masters, under the following regulations:**

XVII. Provided also, and be it further enacted, That nothing in this Act contained shall prevent any slave, who shall be really and truly the domestic servant of any person residing or being in any island, colony, plantation, or territory, belonging to or under the dominion or in the possession of His Majesty, from attending such his owner or master, or any part of his family, by sea, to any place whatever; nevertheless, under the following regulations; that is to say, First, the name and occupation of every such domestic slave or slaves shall be inserted in or indorsed upon the clearance or permit to depart of such ship or vessel, by or in the presence of the collector, comptroller, or other chief officers, of the customs of the port or place from which such ship or vessel shall clear outwards on any voyage, who shall, without fee or reward, certify under his hand, that the slave or slaves so embarked or carried were reported or described to him as domestic servants; Secondly, the master or owner of any such domestic slave or slaves shall obtain from the registry of the colony to which the slave shall belong, an extract, certified by the registrar thereof, showing that such domestic slave or slaves has or have been duly entered in the slave registry of the said colony, by their name and description or names and descriptions therein specified, which extract and certificate shall always be on board the ship or vessel in which any such domestic slave or slaves is or are carried; and upon such slave or slaves being brought into or landed in any British colony, the extract and certificate of his, her, or their registration in the colony from which he, she, or they may have come, shall be forthwith produced to the collector or principal officer of the customs, and a copy thereof shall be by him delivered to the registrar of slaves in the colony into which he, she, or they may be brought; and if the domestic slave or slaves shall be again removed from the colony into which they may have been so brought, previous to the next period for making returns of slaves therein, the collector shall, previous to the embarkation of such domestic slave or slaves, return to the party requiring it the original extract and certificate of registration delivered into his office to be kept on board the ship or vessel in which such domestic slave or slaves may be carried; and if the regulations herein contained be not complied with, the owners of the said slave or slaves shall forfeit the sum of one hundred pounds for every such slave or slaves so illegally dealt with, and the master or other person having the charge of such ship or vessel shall in

**Name and occupation shall be inserted in the ship's clearance.**

Extract from slaves' registry shall be put on board, and produced on arrival.

Regulations to be observed on re-embarkation.

Penalties inflicted, if regulations are not complied with.

every such case forfeit the sum of one hundred pounds for each and every domestic slave so unlawfully taken on board.

XVIII. Provided also, and be it further enacted, That nothing in this Act contained shall prevent any slave or slaves from being employed in navigation, in numbers not exceeding in any one vessel or boat those usually employed in navigating such vessels or boats; nevertheless, where he or they shall be designedly so employed in navigating from any British island, colony, plantation, or territory, the regulations prescribed for the transit of domestic slaves as aforesaid shall be duly observed.

Slaves may be employed in navigation, under certain regulations.

XIX. Provided also, and be it further enacted, That nothing in this Act contained shall prevent any slave or slaves from being employed in fishing, or any other his ordinary business, or occupation upon the seas; nevertheless, where he or they shall be so employed in the course of a navigation designedly undertaken from any British island, colony, plantation, or territory, the regulations prescribed for the transit of domestic slaves as aforesaid shall be duly observed.

As also in fishing, or other their ordinary occupations.

XX. Provided also, and be it further enacted, That nothing in this Act contained shall prevent any slave or slaves from being put on board any ship or vessel by the order of His Majesty's commander-in-chief, either by sea or land, in any island, colony, plantation, or territory belonging to or under the dominion of His Majesty, in order to be employed in His Majesty's military or naval service, and from being by such order so employed, however or wheresoever the said service may require.

Slaves may be employed in the military and naval services.

XXI. Provided also, and be it further enacted, That nothing in this Act contained shall prevent the transhipping and assisting at sea any slave or slaves which shall be in any ship or vessel in distress.

Slaves in vessels in distress may be assisted.

XXII. And be it further enacted, That all slaves and all persons treated, dealt with, kept, or detained as slaves, which shall be seized or taken as prize of war or liable to forfeiture under this act, shall and may, for the purposes only of seizure, prosecution, and condemnation, as prize or as forfeiture, be considered, treated, taken, and adjudged as slaves and property, in the same manner as negro slaves have been heretofore considered, treated, taken, and adjudged, when seized as prize of war, or as forfeited for any offence against the laws of trade and navigation respectively; but the same shall be condemned as prize of war, or as forfeited to the sole use of His Majesty, his heirs, and successors, for the purpose only of divesting and barring all other property, right, title or interest whatever, which before existed, or might afterwards be set up or claimed in or to such slaves or persons so seized, prosecuted, or condemned; and the same nevertheless, shall in no case be liable to be sold, disposed of, treated, or dealt with as slaves by or on the part of His Majesty, his heirs, or successors, or by or on the part of any person or persons claiming or to claim from, by, or under His Majesty, his heirs, and successors, or under or by force of any such sentence or condemnation: Provided always, that it shall be lawful for His Majesty, his heirs, and successors, and such

Directing the manner in which captured slaves shall be disposed of.

officers, civil or military, as shall by any general or special order of the King in Council be from time to time appointed to receive, protect, and provide for such persons as shall be so condemned, either to enter and enlist the same or any of them into His Majesty's land or sea service, as soldiers, seamen, or marines, or to bind the same or any of them, whether of full age or not, as apprentices for any term not exceeding seven years, to such person or persons, in such place or places, and upon such terms and conditions, and subject to such regulations as to His Majesty shall seem meet, and as shall by any general or special order of His Majesty in Council be in that behalf directed and appointed; and any indenture of apprenticeship, duly made and executed by any person or persons to be for that purpose appointed by any such Order in Council for any term not exceeding seven years, shall be of the same force and effect as if the party thereby bound as an apprentice had himself or herself when of full age upon good consideration duly executed the same; and every such person who shall be so enlisted or entered as aforesaid into His Majesty's land or sea forces as a soldier, seaman, or marine, shall be considered, treated and dealt with in all respects as if he had voluntarily so enlisted or entered himself.

In case persons detained in slavery shall escape, any officer may provide for and protect them.

XXIII. Provided always, and be it further enacted, That in case any person or persons illegally held or detained in slavery shall hereafter by shipwreck or otherwise be cast upon, or shall escape to or arrive at any island or colony, fort, territory, or place, under the dominion or in the possession of His Majesty, it shall and may be lawful for His Majesty, his heirs and successors, or for any such officers, civil or military, as aforesaid, to deal with, protect, and provide for, any such person or persons, in such and the same manner as is hereinbefore directed with respect to persons condemned as prize of war, or as forfeited under this Act.

Where apprentices under the provisions of the Acts for the abolition of the Slave Trade are ill-treated by their masters, they may apply to the Judge of the Vice-Admiralty, who shall summarily decide therein. Judge may fine the master any sum not exceeding 100L, and may cancel the indenture.

Captors of

XXIV. And be it further enacted, That whenever any person apprenticed under the provisions of any of the Acts for the abolition of the Slave Trade, shall be ill-treated by the master to whom he is apprenticed, or by any other person by his directions, or with his knowledge, approbation, or consent, it shall and may be lawful for such person so apprenticed and so ill-treated, to apply himself, or by any other person on his behalf, to the judge of the Vice-Admiralty Court nearest to which his said master shall be residing; and the said judge shall have authority, and is hereby empowered and required to take cognizance of the said complaint, and to summon the said master, witnesses, and other persons before him, and examine into the same summarily, and decide thereupon; and if the said complaint shall, in the judgment of the said court, be satisfactorily proved, it shall be lawful for the said judge to fine the said master any sum not exceeding one hundred pounds of good and lawful money of Great Britain, and to enforce payment thereof by distress and imprisonment; and also, if it shall seem to him meet, to cancel the indentures of apprenticeship; and any fine so enforced shall go to and belong to our sovereign lord the King, his heirs, and successors.

XXV. Provided always, and be it further enacted, That

where any slaves or persons treated, dealt with, carried, kept, or detained as slaves taken as prize of war by any of His Majesty's ships of war or privateers duly commissioned, shall be finally condemned as such to His Majesty's use as aforesaid, there shall be paid to the captors thereof, out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, such bounty as His Majesty, his heirs, and successors, shall direct by any Order in Council, so as the same shall not exceed the sum of twenty pounds lawful money of *Great Britain*, for every man, woman, and child, that shall be so taken and condemned, and shall be delivered over to the proper officer or officers, civil or military, appointed to receive, protect, and provide for the same; which bounties shall be divided amongst the officers, seamen, marines, and soldiers on board His Majesty's ships of war or hired armed ships, in manner, form, and proportion, as by His Majesty's proclamation for granting the distribution of prizes to be issued for that purpose shall be directed and appointed, and amongst the owners, officers, and seamen, of any private ship or vessel of war, in such manner and proportion as by any agreement in writing which they shall have entered into for that purpose shall be directed.

XXVI. Provided also, and be it further enacted, That on the condemnation to the use of His Majesty, his heirs, and successors, of any slaves or persons treated, dealt with, carried, kept, or detained, as slaves, seized and prosecuted not as prize of war, but as forfeited for any offence against this act (when such seizure has been made at sea by the commander or officer of any of His Majesty's ships or vessels of war), there shall be paid to the commander or officer of such ship or vessel of war, who shall so seize, inform, and prosecute, for every man, woman, and child, so condemned and delivered over, the sum of ten pounds, like money, subject nevertheless to such distribution of the said bounties or rewards for the said seizures made at sea, as His Majesty, his heirs, and successors, shall think fit and direct by any Order in Council made for that purpose; and where such seizure shall not have been made at sea by the commander or officer of any of His Majesty's ships or vessels of war, there shall be paid to and to the use of the person who shall have sued, informed, and prosecuted the same to condemnation, the sum of seven pounds ten shillings lawful money aforesaid, for every man, woman, and child that shall be so condemned and delivered over, and also the like sums to and to the use of the governor or commander-in-chief of any colony or plantation wherein such seizure shall be made.

XXVII. Provided always, and be it further enacted, That in order to entitle the captors to receive the said bounty-money, the numbers of men, women, and children so taken, condemned, and delivered over, shall be proved to the commissioners of His Majesty's Treasury, by producing a copy duly certified of the sentence and decree of condemnation, and also a certificate under the hand of the said officer or officers, military or civil, so appointed as aforesaid, and to whom the same shall have been

delivered, acknowledging that he or they hath or have received the same, to be disposed of according to His Majesty's instructions and regulations as aforesaid.

Decision of  
doubtful  
claims to be  
determined  
by the Judge  
of Admiralty.

XXVIII. Provided also, and be it further enacted, That in any cases in which doubts shall arise whether the party or parties claiming such bounty-money is or are entitled thereto, the same shall be summarily determined by the judge of the High Court of Admiralty, subject nevertheless to an appeal to the lords commissioners of appeals in prize causes.

Limitation of  
appeal.

XXIX. Provided always, and be it further enacted, That no appeals shall be prosecuted from any decree or sentence of any Court of Admiralty or Vice-Admiralty, touching any of the matters provided for in this Act, unless the inhibition shall be applied for and decreed within twelve months from the time when such decree or sentence was pronounced, except where such decree or sentence shall be passed in any Vice-Admiralty Court at the Cape of Good Hope or to the eastward thereof, in which cases eighteen months shall be allowed for the prosecution of the said appeal.

Saving the  
rights of  
Greenwich  
Hospital.  
27 Geo. 3, c.  
127.

XXX. Provided also, and be it further enacted, That nothing in this Act contained shall be construed to repeal or alter a certain Act passed in the fifty-seventh year of His late Majesty King George the Third, intituled *An Act to settle the Share of Prize Money, Droits of Admiralty, and Bounty Money, payable to Greenwich Hospital, and for securing to the said Hospital all unclaimed Shares of Vessels found derelict, and of Seizures for Breach of the Revenue, Colonial Navigation, and Slave Abolition Laws*; but that the provisions of the said Act shall be and they are hereby declared to be applicable to the several matters and things in this Act contained, the same as if the said provisions were specially enumerated and enacted herein.

Persons ap-  
prenticed  
under the  
Act, on the  
expiration  
of their ap-  
prenticeship,  
how to be dis-  
posed of.

XXXI. Provided also, and be it further enacted, That it shall be lawful for His Majesty in Council from time to time to make such orders and regulations for the future disposal and support of such persons as shall have been bound apprentices under this Act, or the Acts hereby repealed, after the term of their apprenticeship shall have expired, or the indenture of apprenticeship shall have been cancelled, as to His Majesty shall seem meet, and as may prevent such persons from becoming at any time chargeable upon the island, colony, or settlement in which they shall have been so bound apprentices as aforesaid.

Mode of pro-  
viding for  
slaves cap-  
tured or  
seized during  
the period of  
adjudication.

XXXII. And be it further enacted, That when any slaves, or persons treated, dealt with, carried, kept, or detained as slaves, shall be captured or seized as prize of war, or as forfeited or liable to forfeiture to His Majesty, or otherwise proceeded against in and by virtue of any law, and brought to adjudication in the High Court of Admiralty, or in any Court of Vice-Admiralty, or in any court of His Majesty's colonies or plantations, or elsewhere within His Majesty's dominions, which is or may be authorized to hold jurisdiction in such cases, it shall be lawful for the person or persons claiming any right of property in or the possession of such slaves, and he is hereby required, to put such slaves on shore;

and it shall be lawful for the collector or other chief officer of the customs in such port or place in which such slaves shall be brought to adjudication, and he is hereby required, to direct inquiry to be made, whether the persons or person claiming any right or property in or the possession of such slaves, shall have furnished or shall be willing and able to furnish sufficient food and necessaries for the support and wholesome maintenance of the said slaves, during the proceedings which may have been or may be instituted respecting such slaves; and such collector or other chief officer of the customs shall, as soon as may be, report to the governor or lieutenant-governor, or other person exercising the authority of governor in such colony, or plantation, or place, the result of such inquiry; and if it shall appear to the said governor or lieutenant-governor, or other person exercising the authority of governor, that sufficient food and necessaries for the wholesome maintenance of such slaves, during the proceedings so instituted or to be instituted as aforesaid, have not been furnished, and if the person or persons claiming any right or property in or to such slaves shall refuse or afterwards neglect or omit to supply proper food and necessaries for the support and wholesome maintenance of the said slaves during such proceedings, the said governor or lieutenant-governor, or other person exercising the authority of governor in such colony, or plantation, or place, being satisfied of the truth of the report so made to him, shall authorize the said collector or chief officer of the customs to take on himself the immediate care and custody of such slaves, and to provide proper food and necessaries for such slaves, during the proceedings so instituted or to be instituted in any such court as aforesaid, until the said court shall have made its decree, having the force and effect of a definitive sentence, condemning or restoring the said slaves; and in case the said court shall, by such decree, absolutely restore or condemn such slaves, the said court shall, on application made by the said collector or chief officer of the customs so providing or having provided for the support and maintenance of such slaves as aforesaid, direct the accounts for the provisions and necessaries so supplied for the said slaves to be brought into the registry of the court and examined, and direct the same, when confirmed, to be a charge on the said slaves, to be defrayed by the person receiving possession thereof under the decree of such court: Provided nevertheless, that in case the court shall not immediately restore or condemn the said slaves by decree, having the force and effect of a definitive sentence, but shall direct further proof to be made in the cause, whereby the restitution or condemnation shall be deferred, and the person claiming any right or property in, or the possession of the said slaves, shall not have supplied, or at any time pending proceedings in that court shall refuse or neglect to supply, proper food and necessaries for the said slaves, it shall be lawful for the court to direct a valuation to be made of such slaves, and to decree such slaves, after such valuation had and approved by the court, to be delivered over to such officer or person as may be appointed by His Majesty to receive slaves condemned to His

If party  
claiming  
slaves shall  
neglect to  
provide for  
them pending  
proceedings,  
they shall be  
dealt with as  
prescribed by  
this Act for  
slaves con-  
demned to  
His Majesty's  
use; but no  
bounty shall  
be payable  
for them, un-

less finally condemned.

Proceedings with respect to slaves in case of appeal from a definitive sentence.

Where slaves shall be restored in the Court of Appeal, restitution in value shall be awarded, deducting the expenses of maintenance.

In case of decree of restitution, costs or damages may be awarded where capture appears unjustifiable.

Ships condemned for illicit traffic in slaves may be registered as British ships.

Majesty's use, according to the provisions of this Act, and the same shall be dealt with and treated in all respects according to the said provisions, save and except that the bounty shall not be due or payable for such slaves, but in the event of final condemnation, according to the provisions of this Act.

XXXIII. And be it further enacted, That in all cases in which there shall have been a decree having the force and effect of a definitive sentence, restoring or condemning the said slaves, and the same shall be suspended by appeal, it shall be lawful for the court, notwithstanding such appeal, and it is hereby required to proceed forthwith to direct the slaves so detained to be valued as above directed, and, after such valuation had and approved by the court, to be delivered over to such officer or person as may be appointed to receive slaves condemned to His Majesty's use, according to the aforesaid provisions, as if the same had been finally condemned to His Majesty; and such slaves shall be treated and dealt with in all respects in the same manner as if they had been finally condemned to His Majesty, save and except that the bounties shall not be due or payable thereon, but in the event of final condemnation to His Majesty, according to the provisions of this Act.

XXXIV. And be it further enacted, That in all cases in which such slaves shall have been delivered over as before directed, and shall be finally restored in the Court of Appeal, restitution in value shall be made for the use of the claimant or proprietor thereof, according to the valuation made as above directed, together with interest thereon, such sums being deducted therefrom as may have been expended for the support and maintenance of the said slaves, by the collector or chief officer of the customs as above directed; and the value so adjusted shall be paid out of the Consolidated Fund in the same manner as bounties are directed to be paid for slaves condemned to His Majesty under this Act, on the production of an official copy of the final sentence of restitution, with the valuation of the said slaves endorsed thereon by the registrar of the said court, or his deputy, subject nevertheless, when the restitution shall be decreed by the Court of Appeal, to the review and correction of the said valuation.

XXXV. Provided always, and be it enacted, That nothing herein contained shall prevent the said courts, or any of them, having jurisdiction in the principal cause, from adjudging and decreeing the captors, seizers, or prosecutors in any such cause as aforesaid to pay, out of their own proper monies, such sums in the nature of costs or damages as the said court shall decree, when it shall appear to such court that the capture, seizure, or prosecution, or the appeal thereon on the behalf of the captor, seizer, or prosecutor, shall not be justified by the circumstances of the case.

XXXVI. And be it further enacted, That all ships or vessels, whether *British* or *Foreign*, which shall be condemned in any Court of Admiralty or Vice-Admiralty in any part of His Majesty's dominions, for any offence in relation to the Slave Trade, or under any of the Mixed Commission Courts herein-

after mentioned, or which may in future be established in pursuance of any Treaty or Convention between this country and any foreign power, shall, from and after such judgment or condemnation respectively, be entitled to a certificate of registry as a British ship, and thereupon have and enjoy all the privileges and advantages of British-built ships and vessels, being first duly registered according to the provisions of an Act made in the twenty-sixth year of the reign of His late Majesty, and shall be deemed and taken as such, and shall be entitled to have and enjoy all and every the same rights, liberties, privileges, and advantages in all respects whatsoever with British-built ships and vessels, and shall be subject and liable to all and every the rules and regulations that British-built ships or vessels are subject and liable to: any law, custom, or usage to the contrary thereof in anywise notwithstanding.

XXXVII. And whereas in and by an Act passed in the fifty-ninth year of His late Majesty King George the Third, intituled *An Act for establishing a Registry of Colonial Slaves in Great Britain, and for making further Provisions with respect to the Removal of Slaves from British Colonies*, it is enacted, That it shall be lawful for His Majesty to nominate and appoint, by warrant under the hand and seal of one of His Majesty's principal secretaries of state, some fit and proper person as the registrar of colonial slaves, to receive the copies of all registries or returns of slaves, and of any abstracts or indexes referring thereto, which may have been or which may at any time hereafter be transmitted from any of His Majesty's foreign possessions, either in pursuance of any Order of His Majesty in Council, or of any law or ordinance duly passed in any of the British colonies respectively, which said registrar, and his successors respectively, shall continue to hold the said office during His Majesty's pleasure; and also, that the Commissioners of His Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them, shall assign to the registrar appointed such a salary, not exceeding in the whole the sum of eight hundred pounds *per annum*, as shall appear to them adequate and proper, and shall fix the number of such clerks, officers, or other persons to assist the said registrar, as may from time to time be necessary, and shall allow to them also such salaries as may be proper, and also reasonable sums for incidental charges; all which salaries and charges shall be defrayed and paid in the same manner as the salaries and incidental charges of the offices of His Majesty's principal secretaries of state are now defrayed and paid; and also, that the said Commissioners of the Treasury, or any three or more of them, shall provide a proper and distinct office for the said registrar, and shall appoint the several fees to be taken by the registrar, or his assistants in the said office, and shall cause a schedule of the same to be delivered to the said registrar at the time of his appointment, which said schedule, or a copy thereof, shall be always kept and hung, for public information, in the office of the registrar; provided always, that the fees so received by the

50 Geo. 3, c.  
120, authoriz-  
ing the king  
to appoint a  
registrar for  
colonial  
slaves, con-  
firmed;

his salary,  
clerks, and  
officers.

Office fees:  
and applica-  
tion thereof.

registrar, or his assistants, shall be carried to the public account, and the residue thereof, if any, after paying the salaries of the registrar, and other persons employed in his office, shall be applied, under the direction of the said Commissioners of the <sup>Oath of office.</sup> Treasury, in aid of the expenses of His Majesty's civil list; and also, that the person who may be at any time appointed registrar of colonial slaves shall, before he enters on the execution of his said office, be sworn before the chief justice, or one of the justices of His Majesty's Courts of Kings Bench or Common Pleas, or the chief baron, or one of the barons of His Majesty's Court of Exchequer, in the words following:

'I A. B. do solemnly promise and swear, that I will in all respects faithfully and uprightly perform the duties of registrar of colonial slaves, to the best of my judgment and ability.'

'So help me God.'

**Registrar ineligible as a member of the House of Commons, Returns, &c.**  
shall be delivered over to the registrar, and be continued and corrected by him.

And also, that any registrar of slaves who may be appointed by virtue of this Act shall, during his continuance in such office, be incapable of being elected or of sitting as a member of the House of Commons; and also, that as soon as the office of registrar of colonial slaves shall be opened, copies and duplicates of the several registries and returns of slaves in the several colonies, and all papers connected therewith, which may have been received by any of His Majesty's secretaries of state, shall be delivered over to the said registrar, and shall be by him kept in the said office; and the said registrar shall from time to time carry on, continue, correct, and enlarge the copies of the several registries of slaves respectively, pursuant to the further returns of slaves which may from time to time be received from the several colonies, and shall form such indexes and abstracts, and such convenient arrangements in other respects, as may best promote regularity in keeping the said books, and facilitate search therein; and also, that every such registrar, or his clerk or assistants, so to be appointed as aforesaid, shall give due attendance at the said office every day in the week, (except *Sundays* and such holidays as are kept at the Bank of *England*,) from the hour of ten of the clock in the morning to the hour of four of the clock in the afternoon, for the dispatch of all business belonging to the said office; and that every such registrar, or his clerks or assistants, shall, as often as required, make searches concerning any slave or slaves that shall be registered or supposed to be registered in any of the said books; and shall also, if required, give certificates under the hand of the said registrar as to the registration or non-registration of any such slave or slaves, with extracts, when the same is or are found to be registered, of the name and description or names and descriptions thereof, and of the plantation or plantations, owner or owners, to whom the same is or are described to belong, and of any other particulars relating thereto which may be stated in the said registry; and

**Registrar's attendance and duties.**

**Fees thereon.** that such registrar shall be entitled to receive, for every such search, certificate, or extract, such sums as shall be duly appointed in the schedule of fees, to be fixed by the said Commissioners of the Treasury as is hereinbefore provided for; and

the, that it shall not be lawful for any of His Majesty's subjects in this United Kingdom to purchase or to lend or advance any money, goods, or effects upon the security of any slave or slaves in any of His Majesty's colonies or foreign possessions, unless such slave or slaves shall appear by the return received therein to have been first duly registered in the said office of the registrar of colonial slaves; and that every sale, mortgage, and conveyance or assurance of, and every charge or other security upon, any slave or slaves not so appearing to be registered, which shall be made or executed within this United Kingdom to or in trust for any of His Majesty's subjects, shall be absolutely null and void in respect of any such unregistered slave or slaves; and that for this purpose no slave or slaves shall be deemed and taken to be duly registered, unless it shall appear that a return of such slave or slaves, duly made by the owner or owners or other persons in his or their behalf, in the manner and form required by law in the colony in which such slave or slaves may reside, or a copy or abstract of such return, shall have been received in the office of the said registrar from the colony in which such slave or slaves shall reside, within the four years next preceding the date of such sale, mortgage, conveyance or assurance, charge or security as aforesaid; and also, that no deed or instrument made or executed within this United Kingdom, whereby any slave or slaves in any of the said colonies shall be intended to be mortgaged, sold, charged, or in any manner transferred or conveyed, or any estate or interest therein created or raised, shall be good or valid in law, to pass or convey, charge or affect any such slave or slaves, unless the registered name and description, or names and descriptions, of such slave or slaves, shall be duly set forth in such deed or instrument, or in some schedule thereupon indorsed or thereto annexed, according to the then latest registration, or corrected registration, of such slave or slaves, in the said office of the registrar of slaves: Provided always, that no deed or instrument shall be avoided or impeached by reason of a clerical error in setting forth the names and descriptions of any slave or slaves therein, or in any schedule thereto contained, nor shall the same be avoided or impeached by reason of any disagreement between the names and descriptions and the entries thereof in the books of the registry, or duplicate registry, which shall have arisen from any error or default of the registrar, his assistant or clerks, in extracting and certifying the said names and descriptions, without the fraudulent contrivance or wilful default of the parties to such deed or instrument: Provided also, that nothing herein contained shall extend or be construed to hinder or prevent the transfer or assignment of any security, mortgage, or charge, of or upon slaves, granted, made, created, or executed antecedently to the passing of this Act, nor to avoid any deed or instrument whereby such security, mortgage, or charge shall be hereafter transferred, nor to avoid, hinder, or impeach any will, codicil, or other testamentary paper, or any probate or letters of administration, or any bill of sale, assignment, conveyance, or instrument, made by or under the authority of any commission of bankrupt, or any public officer appointed to assign or convey

Purchase of  
slaves, or ad-  
vance of  
money on  
security of  
slaves in the  
colonies,  
allowable  
only in case  
of registra-  
tion.

What slaves  
shall be con-  
sidered re-  
gistered for  
the purpose  
of purchase.

By what  
forms only  
slaves in the  
colonies may  
be conveyed  
or charged.

Manner in  
which the  
issue of slaves  
named in  
deeds shall  
pass or be  
changed  
thereby.

A governor  
*de facto* shall  
be a governor  
within this  
Act.

All securities  
given in con-  
travention of  
this Act shall  
be void.

In what cases  
offenders  
shall be ex-  
empted.

any insolvent estate and effects, or by or under the authority of any court of justice, or any officer thereof, or in the execution of any legal process, by reason that the registered names and descriptions of any slaves are not set forth in such deed, will, codicil, testamentary paper, probate of letters of administration, bill of sale, assignment, conveyance, or instrument; and also, that the issue of any slave or slaves, named or described in any deed or instrument executed in the United Kingdom, or any schedule thereto, born after the return required by law in the colony in which such slave or slaves may be resident, who shall afterwards be duly registered in the next return required by law in the said colony, shall be deemed and considered to pass and be conveyed and affected as registered slaves by such deed or instrument, as effectually to all intents and purposes as if such issue were therein named and described, and anything in this Act contained to the contrary notwithstanding; now be it declared and enacted, that the said several enactments shall be and remain in full force and effect.

XXXVIII. And be it further enacted, That every act which the governor of any island, colony, plantation, or territory belonging to or under the dominion of His Majesty, is by this Act directed or authorized to do or perform, may be lawfully done or performed by the person or persons executing, *pro tempore*, the office or function of governor of any such island, colony, plantation, or territory, by authority from His Majesty, whether under the style and title of governor, lieutenant-governor, president of the council, or under any other style or title whatsoever.

XXXIX. And be it further enacted, That every mortgage, bond, bill, note, or other security, made in or to accomplish any of the objects, or the contracts in relation to the objects, which objects and contracts have by this Act been declared unlawful, shall, except in the case of a *bond fide* purchaser or holder of any such of the said securities as are in their nature negotiable, who may have purchased or obtained the same without notice that the same were made or given for any such unlawful purposes, be void.

XL. Provided always, and be it further enacted, That if any person or persons offending as a petty officer, seaman, marine, or servant, against any of the provisions of this Act, shall, within two years after the offence committed, give information on oath before any competent magistrate, against any owner or part owner, or any captain, master, mate, surgeon, or supercargo of any ship or vessel, who shall have committed any offence against this Act, and shall give evidence on oath against such owner or part owner, captain, master, mate, surgeon, or supercargo, before any magistrate or court before whom such offender may be tried; or if such person or persons so offending shall give information to any of His Majesty's ambassadors, ministers plenipotentiary, envoys, chargés d'affaires, consuls, residents or other agents, so that any person or persons owning such ship or vessel, or navigating or taking charge of the same, as captain, master, mate, surgeon, or supercargo, may be apprehended, such person or

persons so giving information and evidence shall not be liable to any of the pains or penalties under this Act, incurred in respect of the offence, and His Majesty's ambassadors, ministers plenipotentiary, envoys, charges d'affaires, consuls, residents, or other agents, are hereby required to receive any such information as aforesaid, and to transmit the particulars thereof, without delay, to one of His Majesty's principal secretaries of state, and to transmit copies of the same to the commanders of His Majesty's ships or vessels then being in the said port or place.

XLI. And be it further enacted, That if any oath taken under this Act shall be wilfully false, or if such false oath shall be unlawfully or wilfully procured or suborned, the offender shall incur and suffer the like pains and penalties as are by law inflicted upon persons committing wilful and corrupt perjury, or subversion of perjury respectively.

XLII. And be it further enacted, That where any slave or slaves that may be lawfully removed shall be sent, removed, carried, or conveyed, without observing the regulations, or any either of them, required by this Act, such slave or slaves shall be forfeited to His Majesty, his heirs and successors; and where any slave or slaves shall be found on board, who shall be untruly or fraudulently described in or upon the clearance or permit required by this Act, with intent to violate or elude any of the prohibitions or regulations in this Act contained, the owner, master, or other person by whom or by whose procurement such slave or slaves shall be so untruly or fraudulently described, with such intent as aforesaid, shall respectively forfeit and pay the sum of one hundred pounds lawful money of Great Britain for every such slave or slaves; and also, where the non-observance shall consist in exporting, sending, removing, carrying, or conveying any slave or slaves (not being domestics or mariners, as in this Act aforesaid), without such certified copy from the registrar of the colony as by this Act is mentioned, the ship or vessel in which the same shall be so exported, sent, removed, carried, or conveyed, shall be forfeited to His Majesty, his heirs and successors; and where the non-observance shall consist in embarking or carrying any slave or slaves without such certificate, the master or other person having the charge of the ship or vessel in which the same shall be so embarked and carried, without such certificate as aforesaid, shall forfeit and pay the sum of one hundred pounds lawful money aforesaid for every such slave or slaves.

XLIII. And be it further enacted, That all ships, vessels, slaves, or persons treated, dealt with, carried, kept, or detained as slaves, and all goods and effects that may become forfeited under this Act, shall and may be seized by any officer of His Majesty's customs, or by the commanders or officers of any of His Majesty's ships or vessels of war, or any officer bearing His Majesty's commission in His Majesty's navy or army; and moreover, it shall and may be lawful for all governors or persons having the chief command, civil or military, of any of the colonies, settlements, forts, or factories belonging to His Majesty,

Slaves removed with out observing regulations, forfeited.

Penalty 100*l.* for every such slave and ship.

Penalty upon masters of ships carrying slaves without certificate, 100*l.* for every such slave.

Seizure of forfeitures, by whom made.

and for all persons deputed and authorized by any such governor or commander-in-chief, to seize and prosecute all ships and vessels, slaves, or persons treated, dealt with, carried, kept, or detained as slaves, and all goods and effects whatsoever that shall or may become forfeited for any offence under this Act.

Appropriation of ships and goods forfeited.

XLIV. And be it further enacted, That the proceeds of all ships and goods seized, prosecuted, and condemned for any offence against this Act, except in such seizures as shall be made at sea by the commanders or officers of His Majesty's ships or vessels of war, shall be divided, paid, and applied as follows; that is to say, after deducting the charges of prosecution from the gross amount thereof, one-third of the net proceeds shall be paid into the hands of such person as His Majesty, his heirs and successors, may please to appoint, for the use of His Majesty, his heirs and successors; one-third part thereof to the governor or commander-in-chief of the island, colony, plantation, settlement, or territory where the said seizure shall have been made or prosecuted; and the other third part thereof to the person or persons who shall lawfully seize, inform, and prosecute the same to condemnation; and in cases of seizures made at sea by the commanders or officers of His Majesty's ships or vessels of war, one moiety of the said net proceeds, after deducting the charges of prosecution as aforesaid, shall be paid into the hands of such person as His Majesty, his heirs and successors, may please to appoint, for the use of His Majesty, his heirs and successors, and the other moiety to the commanders or officers of His Majesty's ships or vessels of war, who shall have made the seizure, and prosecuted the same to condemnation, subject nevertheless to such distribution in the seizures made by the commanders or officers of His Majesty's ships or vessels of war, whether at sea or otherwise, as His Majesty, his heirs and successors, shall think fit to order and direct by any Order or Orders in Council, or by any proclamation or proclamations to be made for that purpose.

Privileges of seizers.

Geo. 3, c. 15.

XLV. And be it farther enacted, That all persons authorized to make seizures under this Act shall, in making and prosecuting any such seizures, have the benefit of all the provisions made by an Act of the fourth year of His late Majesty King George the Third, intituled *An Act for granting certain Duties in the British Colonies and Plantations in America; for continuing, amending, and making perpetual an Act, passed in the sixth year of the Reign of His late Majesty King George the Second, intituled, 'An Act for the better securing and encouraging the Trade of His Majesty's Sugar Colonies in America; for applying the Produce of such Duties, and of the Duties to arise by virtue of the said Act, towards defraying the Expenses of defending, protecting, and securing the said Colonies and Plantations; for explaining an Act made in the twenty-fifth year of the Reign of King Charles the Second, intituled, 'An Act for the Encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade,' and for altering and disallowing several Drawbacks on Exports from this Kingdom, and more effectually preventing the clandestine Conveyance of Goods to and from the said Colonies and Plantations, and improving and securing the Trade*

between the same and Great Britain; or any other Act made for the protection of officers seizing and prosecuting for any offence against the said Act, relating to the trade and revenues of the British colonies or plantations in America.

XLVI. And be it further enacted, That if any action or suit shall be commenced, either in *Great Britain* or elsewhere, against any person or persons for anything done in pursuance of this Act, the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

XLVII. And be it further enacted, That all actions, suits, bills, indictments, or informations, for the recovery of any of the penalties or forfeitures under this Act, may be commenced, had, brought, sued, exhibited, or prosecuted, at any time within five years after the offence committed, by reason whereof such penalty or forfeiture shall be incurred: Provided always, that where any slave or slaves have been, or shall at any time have been, illegally imported, nothing herein contained shall extend to prevent proceedings being commenced to obtain the condemnation or forfeiture thereof, but that the said slave or slaves so illegally imported shall and may be condemned and forfeited at any time after such illegal importation.

XLVIII. And be it further enacted, That all offences against this Act which shall be committed in any country, territory, or place, other than this United Kingdom, or on the high seas, or in any port, sea, creek, or place where the admiral has jurisdiction, and which shall be prosecuted as piracies, felonies, robberies, or misdemeanors, shall and may be inquired of, either according to the ordinary course of law, and the provisions of an Act passed in the twenty-eighth year of the reign of King *Henry VIII*, c. 28 Hen. 8, c. 15. the Eighth, intituled, *An Act for Pirates*; or according to the provisions of an Act passed in the thirty-third year of the reign of King *Henry the Eighth*, c. 23. intituled, *An Act to proceed by Commission of Oyer and Terminer against such Persons as shall commit Treason and Felony, without remanding the same to be tried in the Shire where the Offence was committed*, as far as the same Act is now unrepealed; or according to the provisions of an Act passed in the eleventh and twelfth years of the reign of his late Majesty King *William the Third*, intituled, *An Act passed for the more effectual Suppression of Piracy*, in as far as the same Act is now unrepealed; or according to the provisions of an Act passed in the forty-sixth year of the reign of his late Majesty King *George the Third*, intituled, *An Act passed for the more speedy Trial of offences committed in distant Parts, upon the Seas*; and all persons convicted of any of the said offences, to be

General issue  
and treble  
costs.

Limitation of  
suit for pen-  
alties and  
forfeitures.

Mode of trial  
for offences  
against this  
Act.

11 & 12 Wm.  
3, c. 7.

46 Geo. 3, c.

64.

inquired of, tried, and determined, under and by virtue of any commission to be made or issued according to the directions of the said Act of the forty-sixth year of His late Majesty's reign aforesaid, shall be subject and liable to and shall suffer all such and the same pains, penalties, and forfeitures, as by this Act or any law or laws now in force, persons convicted of the same respectively would be subject and liable to, in case the same were respectively inquired of, tried, and determined and adjudged within this realm, by virtue of any commission made according to the directions of the statute of the twenty-eighth year of the reign of King *Henry the Eighth*.

Offences committed out of the admiral's jurisdiction.

**XLIX.** And be it further enacted, That all offences against this Act, which shall be committed in any place where the admiral has not jurisdiction, and not being within the local jurisdiction of any ordinary court of a *British* colony, settlement, plantation, or territory, competent to try such offence, may be inquired of, tried, and determined, under and by virtue of any commission to be issued according to the directions of the said Act of the forty-sixth year of the reign of His late Majesty King *George the Third*.

Process and trial.

**L.** And be it further enacted, That all offences committed against this Act may be inquired of, tried, determined, and dealt with, as if the same had been respectively committed within the body of the county of *Middlesex*.

Recovery and application of forfeitures and penalties.

**LII.** And be it further enacted, That, unless in cases specially provided for by this Act, all forfeitures and penalties shall and may be prosecuted, sued for, recovered, and applied as follows; that is to say, the several pecuniary penalties and forfeitures imposed and inflicted by this Act shall and may be sued for, prosecuted, and recovered in any Court of Record in *Great Britain*, or in any Court of Record or Vice-Admiralty in any part of His Majesty's dominions, wherein the offence was committed, or where the offender may be found after the commission of such offence; and all seizures of ships, vessels, or boats, slaves, or persons treated, dealt with, carried, kept, or detained as slaves, goods, or effects, subject to forfeiture under this Act, shall and may be sued for, prosecuted, and recovered in any Court of Record in *Great Britain*, or in any Court of Record or Vice-Admiralty in any part of His Majesty's dominions in or nearest to which such seizures may be made, or to which such ships or vessels, slaves, or persons treated as slaves as aforesaid, goods or effects, (if seized at sea or without the limits of any *British* jurisdiction,) may most conveniently be carried for trial; and all the said penalties and forfeitures, whether pecuniary or specific, (unless where it is expressly otherwise provided for by this Act,) shall go and belong to such persons, in such shares and proportions, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied, in such and the like manner, and by the same ways and means, and subject to the same rules and directions, as any penalties or forfeitures incurred in *Great Britain* and in the *British* colonies and plantations in *America* respectively, by force of any Act relating to the trade and revenues of the said *British* colonies or plantations in *America*, now

goods being so, and may now be used for, prosecuted, tried, & executed, distributed, and applied respectively in Great Britain, & in the said Colonies or Plantations respectively, under and by virtue of a certain Act made in the fourth year of His late Majesty King George the Third, intituled *An Act for granting certain Duties in the British Colonies and Plantations in America;*<sup>4 Geo. 3, c. 15.</sup> for continuing, amending, and making perpetual an Act passed in the sixth year of the reign of His late Majesty King George the Second, intituled, ‘*An Act for the better securing and encouraging the Trade of His Majesty’s Sugar Colonies in America; for applying the produce of such Duties to arise by virtue of the said Act towards defraying the Expenses of defending, protecting, and securing the said Colonies and Plantations; for continuing an Act made in the twenty-fifth year of the reign of King Charles the Second, intituled, ‘*An Act for the Encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade;’ and for altering and disallowing several Drawbacks on Exports from this Kingdom, and more effectually preventing the clandestine Conveyance of Goods to and from the said Colonies and Plantations, and improving and securing the Trade between the same and Great Britain.**

LII. And whereas, certain treaties and conventions, and a Recital of declaration, together with certain explanatory and additional articles, still subsisting full in force, were made between His late Majesty King George the Third, and His Catholic Majesty the King of Spain, His Most Faithful Majesty the King of Portugal, and His Majesty the King of the Netherlands respectively, for preventing Traffic in Slaves, of the tenour and effect following; <sup>certain Treaties, &c. for preventing Traffic in Slaves.</sup>

*Treaty between Great Britain and Portugal, signed at Vienna, the Twenty-second of January, One thousand eight hundred and fifteen.*

Treaty with  
Portugal,  
dated Jan. 22,  
1815.

In the name of the Most Holy and Undivided Trinity: His Royal Highness the Prince Regent of Portugal having, by the Tenth Article of the Treaty of Alliance concluded at Rio de Janeiro on the 19th February, 1810, declared his determination to co-operate with His Britannic Majesty in the cause of humanity and justice, by adopting the most efficacious means for bringing about a gradual abolition of the Slave Trade; and His Royal Highness, in pursuance of his said declaration, and desiring to effectuate, in concert with His Britannic Majesty and the other powers of Europe who have been induced to assist in this benevolent object, an immediate abolition of the said traffic upon the parts of the coast of Africa which are situated to the northward of the line; His Britannic Majesty and His Royal Highness the Prince Regent of Portugal, equally animated by a sincere desire to accelerate the moment when the blessings of peaceful industry and an innocent commerce may be encouraged throughout this extensive portion of the continent of Africa, by its being delivered from the evils of the Slave

Trade, have agreed to enter into a treaty for the said purpose, and have accordingly named as their plenipotentiaries; viz., His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Robert Stewart Viscount Castlereagh, Knight of the most noble Order of the Garter, a member of His said Majesty's Most Honourable Privy Council, a member of Parliament, Colonel of the Regiment of Militia of Londonderry, His said Majesty's Principal Secretary of State for Foreign Affairs, and his Plenipotentiary at the Congress of Vienna; and His Royal Highness the Prince Regent of Portugal, the Most Illustrious and Most Excellent Don Pedro de Sousa Holstein, Count of Palmela, a member of His Royal Highness's Council, Commander of the Order of Christ, Captain of a company of the Royal German Life Guard; the Most Illustrious and Most Excellent Anthony de Saldanha de Gama, a member of His Royal Highness's Council and of his Council of Finance, Commander of the Military Order of St. Benedict of Aviz; and the Most Illustrious and Most Excellent Don Joaquim Lobo da Silveira; a member of His Royal Highness's Council, and Commander of the Order of Christ, His Royal Highness's Plenipotentiaries at the Congress of Vienna; who, having mutually exchanged their full powers, found in good and due form, have agreed upon the following Article:—

Article I.—That from and after the ratification of the present Treaty, and the publication thereof, it shall not be lawful for any of the subjects of the Crown of Portugal to purchase slaves or to carry on the Slave Trade, on any part of the coast of Africa to the northward of the equator, upon any pretext, or in any manner whatsoever: Provided nevertheless, that the said provision shall not extend to any ship or ships having cleared out from the ports of Brazil previous to the publication of such ratification, and provided the voyage in which such ship or ships are engaged shall not be protracted beyond six months after such publication as aforesaid.

Article II.—His Royal Highness the Prince Regent of Portugal hereby agrees and binds himself to adopt, in concert with His Britannic Majesty, such measures as may best conduce to the effectual execution of the preceding engagement, according to its true intent and meaning; and His Britannic Majesty engages, in concert with His Royal Highness, to give such orders as may effectually prevent any interruption being given to Portuguese ships resorting to the actual dominions of the Crown of Portugal, or to the territories which are claimed in the said Treaty of Alliance, as belonging to the said Crown of Portugal, to the southward of the line, for the purposes of trading in slaves as aforesaid, during such further period as the same may be permitted to be carried on by the laws of Portugal, and under the Treaties subsisting between the two Crowns.

Article III. The Treaty of Alliance concluded at Rio de Janeiro on the nineteenth day of February, one thousand eight hundred and ten, being founded on circumstances of a temporary nature, which have happily ceased to exist, the said Treaty is hereby declared to be void in all its parts, and of no effect;

without prejudice, however, to the ancient Treaties of Alliance, friendship, and guarantee, which have so long and so happily existed between the two Crowns, and which are hereby renewed by the High Contracting Parties, and acknowledged to be of full force and effect.

Article IV.—The High Contracting Parties reserve to themselves, and engage to determine by a separate Treaty, the period at which the Trade in Slaves shall universally cease, and be prohibited throughout the entire dominions *Portugal*; the Prince Regent of *Portugal* hereby renewing his former declaration and engagement, that during the interval which is to elapse before such general and final abolition shall take effect, it shall not be lawful for the subjects of *Portugal* to purchase or trade in slaves upon any parts of the coast of *Africa*, except to the northward of the line, as specified in the Second Article of this Treaty; nor to engage in the same, or to permit their flag to be used, except for the purpose of supplying the transatlantic possessions belonging to the Crown of *Portugal*.

Article V.—His Britannic Majesty hereby agrees to remit, from the date at which the ratification mentioned in the First Article shall be promulgated, such further payments as shall then remain due and payable upon the loan of six hundred thousand pounds, made in *London* for the service of *Portugal* in the year one thousand eight hundred and nine, in consequence of a Convention signed on the twenty-first day of *April* of the same year; which Convention, under the conditions specified as aforesaid, is hereby declared to be void and of no effect.

Article VI.—The present Treaty shall be ratified, and the ratifications shall be exchanged at *Rio de Janeiro* in the space of five months, or sooner if possible. In witness whereof the respective plenipotentiaries have signed it, and have thereunto affixed the seals of their arms.

Done at *Vienna*, this twenty-second day of *January*, in the year of our Lord one thousand eight hundred and fifteen.

(Signed)

(L.S.) CASTLEREAGH. (L.S.) CONDE DE PALMELLA.

(Signed)

(L.S.) ANTONIO DE SALDANHA DA GAMA.

(L.S.) B. JOAQUIM LOBO DA SILVEIRA.

#### *Additional Article.*

It is agreed, that in the event of any of the Portuguese settlers being desirous of retiring from the settlements of the Crown of *Portugal* on the coast of *Africa* to the northward of the equator, with the negroes *bond fide* their domestics, to some other of the possessions of the Crown of *Portugal*, the same shall not be deemed unlawful, provided it does not take place on board a slave-trading vessel, and provided they be furnished with proper passports and certificates, according to a form to be agreed upon between the two Governments.

The present Additional Article shall have the same force and effect as if it were inserted word for word in the Treaty signed this day, and shall be ratified, and the ratifications exchanged at the same time.

In witness whereof the respective plenipotentiaries have signed it, and have thereto affixed the seals of their names, as follows:

Done at Vienna, this twenty-second day of January in the year of our Lord one thousand eight hundred and fifteen.

(Signed)

(Signed)

(L.S.) CASTLEREAGH.

(L.S.) CONDE DE PALMELLA.

(L.S.) ANTONIO DE SALDANHA DA GAMA.

(L.S.) B. JOAQUIM LOBO DA SILVEIRA.

Convention  
to the Treaty  
with Portu-  
gal, dated  
July 28,  
1817.

*Additional Convention to the Treaty of the Twenty-second of January, One thousand eight hundred and fifteen, between His Britannic Majesty and His Most Faithful Majesty, for the purpose of preventing their Subjects from engaging in any illicit Traffic in Slaves. Signed at London, the Twenty-eighth of July, One thousand eight hundred and seventeen, in the English and Portuguese Languages.*

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the United Kingdom of Portugal, Brazil, and Algarves, adhering to the principles which they have manifested in the Declaration of the Congress of Vienna bearing date the eighth of February one thousand eight hundred and fifteen, and being desirous to fulfil faithfully, and to their utmost extent, the engagements which they mutually contracted by the Treaty of the twenty-second of January one thousand eight hundred and fifteen, and till the period shall arrive when, according to the tenour of the Fourth Article of the said Treaty, His Most Faithful Majesty, has reserved to himself, in concert with His Britannic Majesty, to fix the time when the Trade in Slaves shall cease entirely, and be prohibited in his dominions; and His Majesty the King of the United Kingdom of Portugal, Brazil, and Algarves, having bound himself by the Second Article of the said Treaty to adopt the measures necessary to prevent his subjects from all illicit Traffic in Slaves; and His Majesty the King of the United Kingdom of Great Britain and Ireland having on his part engaged, in conjunction with His Most Faithful Majesty, to employ effectual means to prevent Portuguese vessels trading with slaves, in conformity with the laws of Portugal and the existing treaties, from suffering any loss or hindrance from British cruisers, their said Majesties have accordingly resolved to proceed to the arrangement of a Convention for the attainment of these objects, and have therefore named as plenipotentiaries,

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Robert Stewart Viscount Castlereagh, a member of His said Majesty's most honourable Privy Council, a member of Parliament, Colonel

of the Royal Portuguese Regiment of Militia, Knight of the most noble Order of the Garter, and his principal Secretary of State for Foreign Affairs; and His Majesty the King of the United Kingdom of Portugal, Brasil, and Algores, the Most Illustrious and Most Excellent Lord Don Pedro de Souza Holstein, Count of Palmella, Councillor of His said Majesty, Captain of the Guards Company of his Royal Guards, Commander of the Order of Christ, Grand Cross of the Order of Charles the Third of Spain, and his Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty; who, after having exchanged their respective full powers, found to be in good and due form, have agreed upon the following Articles:—

Article the First.—The object of this Convention is, on the part of the two Governments, mutually to prevent their respective subjects from carrying on an illicit Slave Trade.

The two High Contracting Powers declare, that they consider as illicit any Traffic in Slaves carried on under the following circumstances:

1st. Either by *British* ships and under the *British* flag, or for the account of *British* subjects, by any vessel or under any flag whatsoever.

2d. By *Portuguese* vessels, in any of the harbours or roads of the coast of *Africa* which are prohibited by the First Article of the Treaty of the twenty-second January, one thousand eight hundred and fifteen.

3d. Under the *Portuguese* or *British* flag for the account of the subjects of any other Government.

4th. By *Portuguese* vessels bound for any port not in the dominions of His Most Faithful Majesty.

Article the Second.—The territories in which the Traffic in Slaves continues to be permitted, under the Treaty of the twenty-second of January, one thousand eight hundred and fifteen, to the subjects of His Most Faithful Majesty, are the following:

1st. The territories possessed by the Crown of *Portugal* upon the coast of *Africa* to the south of the equator; that is to say, upon the eastern coast of *Africa*, the territory lying between *Cape Delgado* and the Bay of *Laurenço Marques*; and upon the western coast, all that which is situated from the eighth to the eighteenth degree of south latitude.

2d. Those territories on the coast of *Africa* to the south of the equator, over which His Most Faithful Majesty has declared that he has retained his rights; namely,

The territories of *Molembo* and *Cabinda* upon the eastern coast of *Africa*, from the fifth degree twelfth minute to the eighth degree south latitude.

Article the Third—His Most Faithful Majesty engages, within the space of two months after the exchange of the ratifications of this present Convention, to promulgate in his capital, and in the other parts of his dominions, as soon as possible, a law which shall prescribe the punishment of any of his subjects who may in future participate in an illicit Traffic of Slaves, and

at the same time to renew the prohibition which already exists, to import slaves into the *Brasil* under any flag other than that of *Portugal*; and His Most Faithful Majesty engages to assimilate as much as possible the legislation of *Portugal* in this respect to that of *Great Britain*.

Article the Fourth.—Every *Portuguese* vessel which shall be destined for the Slave Trade, on any point of the African coast where this traffic still continues to be lawful, must be provided with a royal passport, conformable to the model annexed to this present Convention, and which model forms an integral part of the same. The passport must be written in the *Portuguese* language, with an authentic translation in *English* annexed thereto, and it must be signed for these vessels sailing from the port of *Rio Janeiro* by the Minister of Marine; and for all other vessels which may be intended for the said traffic, and which may sail from any other ports of the *Brasil*, or from any other of the dominions of His Most Faithful Majesty not in *Europe*, the passports must be signed by the governor in chief of the captaincy to which the port belongs; and as to those vessels which may proceed from the ports of *Portugal*, to carry on the Traffic in Slaves, their passports must be signed by the Secretary of the Government for the Marine Department.

Article the Fifth.—The two High Contracting Powers, for the more complete attainment of their object, namely, the prevention of all illicit Traffic in Slaves on the part of their respective subjects, mutually consent that the ships of war of their royal navies, which shall be provided with special instructions for this purpose, as hereinafter is provided, may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of having slaves on board, acquired by an illicit traffic, and in the event only of their actually finding slaves on board may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified.

Provided always, That the commanders of the ships of war of the two royal navies, who shall be employed on this service, shall adhere strictly to the exact tenour of the instructions which they shall have received for this purpose.

As this Article is entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessels.

It being understood that this indemnity shall invariably be borne by the Government whose cruiser shall have been guilty of the arbitrary detention: Provided always, that the visit and detention of slave ships, specified in this Article, shall only be effected by those *British* or *Portuguese* vessels which may form part of the two royal navies, and by those only of such vessels which are provided with the special instructions annexed to this present Convention.

Article the Sixth.—No *British* or *Portuguese* cruiser shall detain any slave ship not having slaves actually on board; and

in order to render lawful the detention of any ship, whether *British* or *Portuguese*, the slaves found on board such vessel must have been brought there for the express purpose of the traffic, and those on board *Portuguese* ships must have been taken from that part of the coast of *Africa* where the slave trade was prohibited by the Treaty of the twenty-second of January, one thousand eight hundred and fifteen.

Article the Seventh.—All ships of war of the two nations, which shall hereafter be destined to prevent the illicit Traffic in Slaves, shall be furnished by their own Government with a copy of the instructions annexed to the present Convention, and which shall be considered as an integral part thereof.

These instructions shall be written in *Portuguese* and *English*, and signed for the vessels of each of the two Powers by the ministers of their respective marine.

The two High Contracting Parties reserve the faculty of altering the said instructions, in whole or in part, according to circumstances; it being, however, well understood that the said alterations cannot take place but by common agreement, and by the consent of the two High Contracting Parties.

Article the Eighth.—In order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in an illicit Traffic of Slaves, there shall be established, within the space of a year at farthest from the exchange of the ratifications of the present Convention, two Mixed Commissions, formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns.

These Commissions shall reside, one in a possession belonging to His *Britannic* Majesty, the other within the territories of His Most Faithful Majesty; and the two Governments, at the period of the exchange of the ratifications of the present Convention, shall declare, each for its own dominions, in what places the Commissions shall respectively reside. Each of the two High Contracting Parties reserving to itself the right of changing at its pleasure the place of residence of the Commission held within its own dominions; provided, however, that one of the two Commissions shall always be held upon the coast of *Africa*, and the other in the *Brazile*.

These Commissions shall judge the causes submitted to them without appeal, and according to the regulations and instructions annexed to the present Convention, of which they shall be considered as an integral part.

Article the Ninth.—His *Britannic* Majesty, in conformity with the stipulations of the Treaty, of the twenty-second of January, one thousand eight hundred and fifteen, engages to pay, in the manner hereafter explained, sufficient indemnification to all the proprietors of *Portuguese* vessels and cargoes captured by *British* cruisers between the first of June, one thousand eight hundred and fourteen, and the period at which the two Commissions pointed out in Article VII of the present Convention shall assemble, at their respective posts.

The two High Contracting Parties agree, that all claims of the nature hereinbefore mentioned shall be received and liquidated by a Mixed Commission to be held at *London*, and which shall consist of an equal number of the individuals of the two nations named by their respective Sovereigns, and upon the same principles stipulated by the Eighth Article of this Additional Convention, and by the other Acts which form an integral part of the same. The aforesaid Commissions shall commence their functions six months after the ratification of the present Convention, or sooner if possible.

The two High Contracting Parties have agreed, that the proprietors of vessels captured by the *British* cruisers cannot claim compensation for a larger number of slaves than that which, according to the existing laws of *Portugal*, they were permitted to transport, according to the rate of tonnage of the captured vessel.

The two High Contracting Parties are equally agreed, that every *Portuguese* vessel captured with slaves on board for the traffic, which shall be proved to have been embarked within the territories of the coast of *Africa* situated to the north of *Cape Palmas*, and not belonging to the crown of *Portugal*, as well as all *Portuguese* vessels captured with slaves on board for the traffic six months after the exchange of the ratifications of the Treaty of the twenty-second of *January*, one thousand eight hundred and fifteen, and on which it can be proved that the aforesaid slaves were embarked in the roadsteads of the coast of *Africa* situated to the north of the equator, shall not be entitled to claim any indemnification.

Article the Tenth.—His *Britannic* Majesty engages to pay within the space of a year at farthest from the decision of each case, to the individual having a just claim to the same, the sums which shall be granted to them by the Commissions named in the preceding Articles.

Article the Eleventh.—His *Britannic* Majesty formally engages to pay the three hundred thousand pounds sterling of indemnification, stipulated by the Convention of the twenty-first of *January*, one thousand eight hundred and fifteen, in favour of the proprietors of *Portuguese* vessels captured by *British* cruisers up to the period of the first of *June*, one thousand eight hundred and fourteen, in the manner following; viz.

The first payment of one hundred and fifty thousand pounds sterling six months after the exchange of the ratifications of the present Convention, and the remaining one hundred and fifty thousand pounds sterling, as well as the interest at five *per cent.* due upon the total sum from the day of the exchange of the ratifications of the Convention of the twenty-first of *January*, one thousand eight hundred and fifteen, shall be paid nine months after the exchange of the ratifications of the present Convention. The interest due shall be payable up to the day of the last payment. All the aforesaid payments shall be made in *London* to the minister of His Most Faithful Majesty at the court of His *Britannic* Majesty, or to the persons whom His

Most Faithful Majesty shall think proper to authorize for that purpose.

Article the Twelfth.—The acts or instruments annexed to this Additional Convention, and which form an integral part thereof, are as follow :

No. 1. Form of passport for the *Portuguese* merchant ships destined for the lawful Traffic in Slaves.

No. 2. Instructions for the ships of war of both nations destined to prevent the illicit Traffic in Slaves.

No. 3. Regulation for the Mixed Commissions which are to hold their sittings on the coast *Africa*, at the *Brazils*, and in *London*.

Article the Thirteenth.—The present Convention shall be ratified, and the ratifications thereof exchanged at *Rio Janeiro*, within the space of four months at furthest, dating from the day of its signature.

In witness whereof the respective plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at *London*, the twenty-eighth day of *July*, in the year of our Lord one thousand eight hundred and seventeen.

(Signed)

(Signed)

(L.S.) CASTLEREAGH.

(L.S.) THE COUNT OF PALMELLA.

Passport for  
Portuguese  
vessels.

*Form of Passport for Portuguese Vessels destined for the lawful Traffic in Slaves.*

(Place for the Royal Arms.)

Minister and Secretary of State for the Affairs of the Marine and Transatlantic Dominions, &c. &c.  
[or Governor of this Province,] [or Secretary of the Government of *Portugal*,] make known to those that shall see the present passport, that the vessel called , of tons, and carrying men and passengers, master, and owner, *Portuguese*, and subjects of the United Kingdom, is bound to the ports of and and coast of from whence she is to return to , the said master and owner having previously taken the required oath before the Royal Board of Commerce of this capital (or the Board of Inspection of this province), and having legally proved that no foreigner has any share in the above vessel and cargo, as appears by the certificate of that Royal Board (or Board of Inspection) which is annexed to this passport. The said master and owner of the said vessel, being under an obligation to enter solely such ports on the coast of *Africa* where the Slave Trade is permitted to the subjects of the United Kingdom of *Portugal*, *Brazils*, and *Algares*, and to return from thence to any of the ports of this kingdom, where alone they shall be permitted to land the slaves whom they carry, after going through the proper forms, to show that they have in every respect complied with

the provisions of the *Alvará* of the twenty-fourth of November one thousand eight hundred and thirteen, by which His Majesty was pleased to regulate the conveyance of slaves from the coast of Africa to his dominions of Brazil. And should they fail to execute any of these conditions, they shall be liable to the penalties denounced by the *Alvará* of\* against those who shall carry on the Slave Trade in an illicit manner. And as in going or returning she may, either at sea or in port, meet officers of ships and vessels of the same kingdom, the King our lord orders them not to give her any obstruction; and His Majesty recommends to the officers of the fleets, squadrons, and ships of the kings, princes, republics, and potentates, the friends and allies of the Crown, not to prevent her from prosecuting her voyage, but on the contrary to afford her any aid and accommodation she may want for continuing the same; being persuaded that those recommended by their princes will, on our part, experience the same treatment. In testimony of which His Majesty has ordered her to be furnished by me with this passport, signed and sealed with the great seal of the royal arms, which shall have validity only for and for one voyage alone.

Given in the palace of the in the year after the birth of our Lord Jesus Christ.

(L.S.)

By order of his Excellency,

The Officer who made out the Passport.

This passport, numbered ( ), authorizes any number of slaves not exceeding being per ton, (as permitted by the *Alvará* of† ) to be on board of this ship at one time, excepting always such slaves employed as sailors or domestics, and children born on board during the voyage.

[Signed as above, by the proper Portuguese authorities.]

(Signed)

(Signed)

CASTLEREAGH.

THE COUNT OF PALMELLA.

### *Instructions intended for the British and Portuguese Ships of War employed to prevent the illicit Traffic in Slaves.*

Instructions  
for British  
and Portu-  
guese ships  
of war.

Article I.—Every British or Portuguese ship of war shall, in conformity with Article V of the Additional Convention of this date, have a right to visit the merchant ships of either of the two Powers actually engaged, or suspected to be engaged, in the Slave Trade; and should any slaves be found on board according to the tenor of the Sixth Article of the aforesaid Additional Convention,—and as to what regards the Portuguese vessels,

\* This *Alvará* to be promulgated in pursuance of the Third Article of the Additional Convention of the 28th July, 1817.

† That is to say, the *Alvará* of the 24th of November 1813, or any other Portuguese law which may hereafter be promulgated in lieu thereof.

should there be ground to suspect that the said slaves have been embarked on a part of the coast of *Africa* where the Traffic in Slaves can no longer be legally carried on, in consequence of the stipulations in force between the two High Powers, in these cases alone the commander of the said ship of war may detain them; and having detained them, he is to bring them, as soon as possible, for judgment before that of the two Mixed Commissions, appointed by the Eighth Article of the Additional Convention of this date, which shall be the nearest, or which the commander of the capturing ship shall, upon his own responsibility, think he can most easily reach from the spot where the slave ship shall have been detained.

Ships on board of which no slaves shall be found intended for purposes of traffic, shall not be detained on any account or pretence whatever.

Negro servants or sailors that may be found on board the said vessels, cannot, in any case, be deemed a sufficient cause for detention.

Article II.—No merchantman or slave ship can, on any account or pretence whatever, be visited or detained, whilst in the port or roadstead belonging to either of the two High Contracting Powers, or within cannon-shot of the batteries on shore. But in case suspicious vessels should be found so circumstanced, proper representations may be addressed to the authorities of the country, requesting them to take effectual measures for preventing such abuses.

Article III.—The High Contracting Powers having in view the immense extent of the shores of *Africa* to the north of the equator along which this commerce continues prohibited, and the facility thereby afforded for illicit traffic on points where either the total absence or at least the distance of lawful authorities bar ready access to those authorities, in order to prevent it, have agreed, for the more readily attaining the salutary end which they propose, to grant, and they do actually grant to each other the power, without prejudice to the rights of sovereignty, to visit and detain, as if on the high seas, any vessel having slaves on board, even within cannon-shot of the shore of their respective territories on the continent of *Africa* to the north of the equator, in case of their being no local authorities to whom recourse might be had, as has been stated in the preceding article. In such cases, vessels so visited may be brought before the Mixed Commissions, in the form prescribed in the First Article of the preceding instructions.

Article IV.—No Portuguese merchantman or slave ship shall, on any pretence whatever, be detained, which shall be found any where near the land, or on the high seas, south of the equator, unless after a chase that shall have commenced north of the equator.

Article V.—Portuguese vessels furnished with a regular passport, having slaves on board, shipped at those parts of the coast of *Africa* where the trade is permitted to Portuguese subjects, and which shall afterwards be found north of the

equator, shall not be detained by the ships of ~~any~~<sup>the</sup> other nations, though furnished with the present instructions; provided the same can account for their course, either in conformity with the practice of the *Portuguese* navigation, by steering some degrees to the northward in search of fair winds, or for other legitimate causes, such as the dangers of the seas duly proved; or lastly, in the case of their passports proving that they were bound for a *Portuguese* port not within the continent of Africa. Provided always, that with regard to all slave ships detained to the north of the equator, the proof of the legality of the voyage is to be furnished by the vessel so detained. On the other hand, with respect to slave ships detained to the south of the equator, in conformity with the stipulations of the preceding Article, the proof of the illegality of the voyage is to be exhibited by the captor.

It is in like manner stipulated, that the number of slaves found on board a slave ship by the cruisers, even should the number not agree with that contained in their passport, shall not be a sufficient reason to justify the detention of the ship; but the captain and the proprietor shall be denounced in the Portuguese tribunals in the *Brazils*, in order to their being punished according to the laws of the country.

Article VI.—Every *Portuguese* vessel intended to be employed in the legal Traffic in Slaves, in conformity with the principles laid down in the Additional Convention of this date, shall be commanded by a native *Portuguese*, and two-thirds at least of the crew shall likewise be *Portuguese*: Provided always, that its *Portuguese* or foreign construction shall in no wise affect its nationality, and that the negro sailors shall always be reckoned as *Portuguese*, provided they belong, as slaves, to subjects of the Crown of *Portugal*, or that they have been emancipated in the dominions of His Most Faithful Majesty.

**Article VII.**—Whenever a ship of war shall meet a merchant vessel liable to be searched, it shall be done in the most mild manner, and with every attention which is due between allied and friendly nations; and in no case shall the search be made by an officer holding a rank inferior to that of lieutenant in the navy.

**Article VIII.**—The ships of war which may detain the slave ships, in pursuance of the principles laid down in the present instructions, shall leave on board all the cargo of negroes untouched, as well as the captain and a part at least of the crew of the above-mentioned slave ship; the captain shall draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it; he shall deliver to the captain of the slave ship a signed certificate of the papers seized on board the said vessel, as well as of the number of slaves found on board at the moment of detention.

The negroes shall not be disembarked till after the vessels which contain them shall be arrived at the place where the legality of the capture is to be tried by one of the two Mixed

Commissions, in order that in the event of their not being ad-  
judged legal prize, the loss of the proprietors may be more easily  
repaired. If, however, urgent motives, deduced from the length  
of the voyage, the state of health of the negroes, or other causes,  
required that they should be disembarked entirely, or in part,  
before the vessels could arrive at the place of residence of one of  
the said Commissions, the commander of the capturing ship may  
take on himself the responsibility of such disembarkation, pro-  
vided that the necessity be stated in a certificate in proper form.

**Article IX.**—No conveyance of slaves from one port of the *Brazils* to another, or from the continent or islands of *Africa* to the possessions of *Portugal* out of *America*, shall take place as objects of commerce, except in ships provided with passports from the *Portuguese* Government *ad hoc*.

Done at *London*, the twenty-eighth day of *July*, in the year  
our Lord one thousand eight hundred and seventeen.

(Signed)

**(Signed)**

(Signed)  
CASTLEBREACH. (I.S.)

<sup>(Signed)</sup>  
THE COUNT OF PALMELLA. (L.S.)

*Regulations for the Mixed Commissions, which are to reside  
on the Coast of Africa, in the Brazils, and at London.*

**Regulations  
for Mixed  
Commis-  
sions, as to  
Portugal.**

Article I.—The Mixed Commissions to be established by the Additional Convention of this date, upon the coast of Africa and in the *Brazils*, are appointed to decide upon the legality of the detention of such slave vessels as the cruisers of both nations shall detain, in pursuance of this same Convention, for carrying on an illicit Commerce in Slaves.

The above-mentioned Commissions shall judge, without appeal, according to the letter and spirit of the Treaty of the twenty-second of *January*, one thousand eight hundred and fifteen, and of the Additional Convention to the said Treaty, signed at *London*, on this twenty-eighth day of *July*, one thousand eight hundred and seventeen.

The Commissions shall give sentence as summarily as possible, and they are required to decide (as far as they shall find it practicable) within the space of twenty days, to be dated from first on which every detained vessel shall have been brought into the port where they shall reside, first, upon the legality of the capture; second, in the case in which the captured vessel shall have been liberated, as to the indemnification which she is to receive.

And it is hereby provided, that in all cases the final sentence shall not be delayed on the account of the absence of witnesses, or for want of other proofs, beyond the period of two months, except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the Commissioners may, at their discretion, grant an additional delay, not exceeding three months.

Article II.—Each of the above-mentioned Mixed Commissions, which are to reside on the coast of *Africa* and in the *Brazils*, shall be composed in the following manner:

The two High Contracting Parties shall each of them name a commissary judge, and a commission of arbitration, who shall be authorized to hear and to decide, without appeal, all cases of capture of slave vessels which, in pursuance of the stipulation of the Additional Convention of this date, may be laid before them. All the essential parts of the proceedings carried on before these Mixed Commissions, shall be written down in the language of the country in which the Commission may reside.

The commissary judges and the commissioners of arbitration shall make oath, in presence of the principal magistrate of the place in which the Commission may reside, to judge fairly and faithfully, to have no preference, either for the claimants or the captors, and to act, in all their decisions, in pursuance of the stipulations of the Treaty of the twenty-second *January*, one thousand eight hundred and fifteen, and of the Additional Convention of the said Treaty.

There shall be attached to each Commission a secretary or registrar appointed by the sovereign of the country in which the Commission may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath, in presence of at least one of the commissary judges, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.

Article III.—The form of process shall be as follows:

The commissary judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessel, and to receive the depositions on oath of the captain, and of two or three, at least, of the principal individuals on board of the detained vessel, as well as the declaration on oath of the captor, should it appear necessary, in order to be able to judge and to pronounce if the said vessel has been justly detained or not, according to the stipulations of the Additional Convention of this date, and in order that, according to this judgment, it may be condemned or liberated: and in the event of the two commissary judges not agreeing on the sentence they ought to pronounce, whether as to the legality of the detention or the indemnification to be allowed, or on any other question which might result from the stipulations of the Convention of this date,—they shall draw by lot the name of one of the two commissioners of arbitration, who, after having considered the documents of the process, shall consult with the above-mentioned commissary judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned commissary judges, and of the above-mentioned commissioner of arbitration.

Article IV.—As often as the cargo of slaves found on board of a *Portuguese* slave ship shall have been embarked on any point whatever of the coast of *Africa* where the Slave Trade continues lawful to the subjects of the crown of *Portugal*, such

slave-ship shall not be detained on pretext that the above-mentioned slaves have been brought originally by land from any other part whatever of the continent.

Article V.—In the authenticated declaration which the captor shall make before the Commission, as well as in the certificate of the papers seized, which shall be delivered to the captain of the captured vessel at the time of the detention, the above-mentioned captor shall be bound to declare his name, the name of his vessel, as well as the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found living on board of the slave ship at the time of the detention.

Article VI.—As soon as sentence shall have been passed, the detained vessel, if liberated, and what remains of the cargo, shall be restored to the proprietors, who may before the same Commission claim a valuation of the damages which they may have a right to demand; the captor himself, and in his default, his government, shall remain responsible for the above-mentioned damages. The two High Contracting Parties bind themselves to defray, within the term of a year from the date of the sentence, the indemnifications which may be granted by the above-named Commission, it being understood that these indemnifications shall be at the expense of the Power of which the captor shall be a subject.

Article VII.—In case of the condemnation of a vessel for an unlawful voyage, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale, for the profit of the two Governments; and as to the slaves they shall receive from the Mixed Commission a certificate of emancipation, and shall be delivered over to the Government on whose territory the Commission which shall have so judged them shall be established, to be employed as servants or free labourers. Each of the two Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

Article VIII.—Every claim for compensation of losses occasioned to ships suspected of carrying on illicit Trade in Slaves, not condemned as lawful prize by the Mixed Commissions, shall be also heard and judged by the above-named Commissions, in the form provided by the Third Article of the present Regulation; and in all cases wherein restitution shall be so decreed, the Commission shall award to the claimant or claimants, or his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification:—First, for all costs of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention; that is to say, in case of total loss, the claimant or claimants shall be indemnified; First, for the ship, her tackle, apparel, and stores; Secondly, for all freight, due and payable; Thirdly, for the value of the cargo of merchandize, if any; Fourthly, for the slaves on board at the time of detention, according to the computed value of such slaves at the place of destination; deducting

therefrom the usual fair average mortality for the unexpired period of the regular voyage; deducting also for all charges and expenses payable upon the sale of such cargoes, including commission of sale, when payable at such port; and, Fifthly, for all other regular charges in cases of total loss; and in all other cases not of total loss, the claimant or claimants shall be indemnified, —First, for all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable; Secondly, a demurrage when due, according to the schedule annexed to the present Article; Thirdly, a daily allowance for the subsistence of slaves, of one shilling, or one hundred and eighty reis for each person, without distinction of sex or age, for so many days as it shall appear to the Commission that the voyage has been or may be delayed, by reason of such detention; as likewise, Fourthly, for any deterioration of cargo or slaves; Fifthly, for any diminution in the value of the cargo or slaves, proceeding from an increased mortality beyond the average amount of the voyage, or from sickness occasioned by detention; —this value to be ascertained by their computed price at the place of destination, as in the above case of total loss; Sixthly, an allowance of five *per cent.* on the amount of capital employed in the purchase and maintenance of cargo, for the period of delay occasioned by the detention; and, Seventhly, for all premium of insurance on additional risks.

The claimant or claimants shall likewise be entitled to interest at the rate of five *per cent. per annum* on the sum awarded, until paid by the Government to which the capturing ship belongs; the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs, and to be liquidated at exchange current at the time of award, excepting the sum for the subsistence of slaves, which shall be paid at par, as above stipulated.

The two High Contracting Parties wishing to avoid as much as possible, every species of fraud in the execution of the Additional Convention of this date, have agreed, that if it should be proved in a manner evident to the conviction of the judges of the two nations, and without having recourse to the decision of a commissioner of arbitration, that the captor has been led into error by a voluntary and reprehensible fault on the part of the captain of the detained ship, in that case only the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article.

#### Schedule of demurrage or daily allowance

for a vessel of 100 tons to 120 inclusive £5

121 ditto	150 ditto	- 6	<i>per diem,</i>
151 ditto	170 ditto	- 8	
171 ditto	200 ditto	- 10	
201 ditto	220 ditto	- 11	
221 ditto	250 ditto	- 12	
251 ditto	270 ditto	- 14	
271 ditto	300 ditto	- 15	

and so in proportion.

Article IX.—When the proprietors of a ship suspected of carrying on an illicit Trade in Slaves, released in consequence of a sentence of one of the Mixed Commissions (or in the case, as above mentioned, of total loss), shall claim indemnification for the loss of slaves which he may have suffered, he shall in no case be entitled to claim for more than the number of slaves which his vessel was by the *Portuguese* laws authorized to carry, which number shall always be declared in his passport.

Article X.—The Mixed Commission established in *London* by the Article XI<sup>th</sup> of the Convention of this date, shall hear and determine all claims for *Portuguese* ships and cargoes captured by *British* cruisers on account of the unlawful trading in slaves, since the first of *June*, one thousand eight hundred and fourteen, till the period when the Convention of this date is to be in complete execution, awarding to them, conformably to the Article IX<sup>th</sup> of the Additional Convention of this date, a just and complete compensation, upon the basis laid down in the preceding Article, either for total loss, or for losses and damages sustained by the owners and proprietors of the said ships and cargoes. The said Commission established in *London* shall be composed and proceed exactly upon the same basis determined in the Articles I, II, and III, of the present regulations for the Commissions established on the coast of *Africa* and the *Brasile*.

Article XI.—It shall not be permitted to any of the commissary judges, nor to the arbitrators, nor to the secretary of any of the Mixed Commissions, to demand or receive, from any one of the parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present Regulation.

Article XII.—When the parties interested shall imagine they have cause to complain of any evident injustice on the part of the Mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence for removing, when they think fit, the individuals who may compose these Commissions.

Article XIII.—In the case of a vessel detained unjustly, under pretence of the stipulations of the Additional Convention of this date, and in which the captor should neither be authorized by the tenor of the above-mentioned Convention, nor of the instructions annexed to it, the Government to which the detained vessel may belong shall be entitled to demand reparation; and in such case, the Government to which the captor may belong binds itself to cause the subject of complaint to be fully examined, and to inflict upon the captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

Article XIV.—The two High Contracting Parties have agreed, that in the event of the death of one or more of the commissioners, judges, and arbitrators, composing the above-mentioned Mixed Commissions, their posts shall be supplied, *ad interim*, in the following manner; on the part of the *British*

Government, the vacancies shall be filled successively in the Commission which shall sit within the possessions of His Britannic Majesty, by the governor or lieutenant-governor resident in that colony, by the principal magistrate of the place, and by the secretary; and in the *Brasile* by the British consul and vice-consul resident in the city in which the Mixed Commission may be established.

On the part of *Portugal*, the vacancies shall be supplied, in the *Brasile*, by such persons as the captain-general of the province shall name for that purpose: and, considering the difficulty which the Portuguese Government would feel, in naming fit persons to fill the post which might become vacant in the Commission established in the British possessions, it is agreed, that in case of the death of the Portuguese commissioners, judge, or arbitrators in those possessions, the remaining individuals of the above-mentioned Commission shall be equally authorized to proceed to the judgment of such slave ships as may be brought before them, and to the execution of their sentence. In this case alone, however, the parties interested shall have the right of appealing from the sentence, if they think fit, to the Commission resident in the *Brasile*; and the Government to which the captor shall belong shall be bound fully to defray the indemnification which shall be due to them, if the appeal be judged in favour of the claimants; it being well understood, that the ship and cargo shall remain during this appeal in the place of residence of the first Commission before whom they may have been conducted.

The High Contracting Parties have agreed to supply, as soon as possible, every vacancy that may arise in the above-mentioned Commissions, from death or any other contingency. And in case that the vacancy of each of the Portuguese Commissioners residing in the British possessions be not supplied at the end of six months, the vessels which are taken there to be judged, after the expiration of that time, shall no longer have the right of appeal hereinbefore stipulated.

Done at London, the twenty-eighth day of July, in the year of our Lord one thousand eight hundred and seventeen.

(Signed)

CASTLEREAGH. (L.S.)

(Signed)

THE COUNT OF PALMELLA. (L.S.)

#### *Separate Article.*

As soon as the total abolition of the Slave Trade for the subjects of the Crown of *Portugal* shall have taken place, the two High Contracting Parties hereby agree by common consent, to adapt to that state of circumstances the stipulations of the Additional Convention concluded at London the twenty-eighth of July last; but, in default of such alterations, the Additional Convention of that date shall remain in force until the expiration of fifteen years from the day on which the general abolition of the Slave Trade shall so take place on the part of the Portuguese Government.

The present Separate Article shall have the same force and

validity as if it were inserted, word for word, in the Additional Convention aforesaid. It shall be ratified, and the ratifications shall be exchanged as soon as possible.

In witness whereof the respective plenipotentiaries have signed the same, and have thereunto affixed the seals of their arms.

Done at London, this eleventh day of September, in the year of our Lord one thousand eight hundred and seventeen.

(Signed) (Signed)  
 (I.S.) CASTLEREAGH. (I.S.) THE COUNT OF PALMELLA,

*Declaration, signed the Third Day of April, One thousand eight hundred and nineteen, touching Molembo and Cabinda, as described in the Convention of the Twenty-eighth July, One thousand eight hundred and seventeen, between His Majesty and His Most Faithful Majesty.*

Declaration  
as to Mo-  
lembo and  
Cabinda,  
dated July  
28, 1817.

WHEREAS a Convention, having for its object the prevention of the illicit Traffic in Slaves, was concluded between His Britannic Majesty and His Most Faithful Majesty, and signed at London on the 28th of July, 1817:—

And whereas by the Second Article of that Convention the Traffic in Slaves was declared still to be permitted to Portuguese subjects, only within certain territories therein described:

And whereas the territories of Molembo and Cabinda are described by that Article to be on the eastern coast of Africa; and whereas this description is evidently a verbal mistake, the said territories of Molembo and Cabinda lying in fact upon the western and not upon the eastern coast of Africa:

It is hereby declared by the undersigned that the word "eastern," in that part of the Second Article above alluded to, shall be held to be annulled, and the word "western" to stand in its place; and the latter part of the Article in question shall accordingly be held to run thus:—

"The territories of Molembo and Cabinda upon the western coast of Africa, from the fifth degree twelve minutes to the eighth degree south latitude."

It was further agreed between the undersigned, that the present declaration shall be considered as an integral part of the said Convention.

In witness and in faith of the above, the undersigned, His Britannic Majesty's Secretary of State for Foreign Affairs, and His Most Faithful Majesty's Envoy Extraordinary and Minister Plenipotentiary at the court of St. James's, have hereunto set their hands and seals at London, this third day of April in the year of our Lord one thousand eight hundred and nineteen.

(I.S.) CASTLEREAGH.

Additional  
Articles to  
the Conven-  
tion with  
Portugal,  
dated March  
15, 1823.

*Additional Articles to the Convention between His Britannic  
Majesty and His Most Faithful Majesty; signed in  
London on the Twenty-eighth of July, One thousand  
eight hundred and seventeen; signed at Lisbon, Fifteenth  
March, One thousand eight hundred and twenty-three.*

HIS Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, and His Majesty the King of the United Kingdom of *Portugal, Brazil, and Algarves*, wishing to remove every obstacle to the faithful execution of the Convention signed in *London* by their respective plenipotentiaries on the twenty-eighth of *July*, one thousand eight hundred and seventeen, for the purpose of preventing their subjects from engaging in any illicit Traffic in Slaves, and seeing the necessity of adding, to that intent, certain articles to the said Convention, have for this purpose named their plenipotentiaries: that is to say, His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, *Edward Michael Ward*, Esquire, his Charge d'Affaires at the court of *Lisbon*; and His Majesty the King of the United Kingdom of *Portugal, Brazil, and Algarves*, *José Bazilio Rademaker*, Knight, professed in the Order of Christ, and Chief Clerk of the Department of State for Foreign Affairs; who, after having exchanged their respective full powers, found to be in good and due form, have agreed upon the following Articles:—

Article I.—Whereas it is stated in the First Article of the instructions intended for the *British* and *Portuguese* ships of war employed to prevent the illicit Traffic in Slaves, that “ships on board of which no slaves shall be found intended for the purposes of traffic, shall not be detained on any account or pretence whatever:” And whereas it has been found by experience, that vessels employed in the illegal traffic have put their slaves momentarily on shore, immediately prior to their being visited by ships of war, and that such vessels have thus found means to evade forfeiture, and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Convention of the twenty-eighth of *July*, one thousand eight hundred and seventeen; the two High Contracting Parties therefore feel it necessary to declare, and it is hereby declared by them, that if there shall be clear and undeniable proof that a slave or slaves of either sex has or have been put on board a vessel for the purpose of illegal traffic in the particular voyage on which the vessel be captured, then and on that account, according to the true intent and meaning of the stipulations of the above-mentioned Convention, such vessel shall be detained by the cruizers, and finally condemned by the Commissioners.

Article II.—Inasmuch as the Convention of the twenty-eighth of *July* one thousand eight hundred and seventeen, does not stipulate the mode of supplying the absence of the Commiss-

sioners occurring from any other cause besides that of death, which is the only case provided for by the Fourteenth Article of the Regulation of the Mixed Commissions annexed to the said Convention; the two High Contracting Parties have agreed, that in the event of the recall, or of the absence on account of illness, or any other unavoidable cause, of any of the commissioners, judges, or arbitrators, or in the case of their absence in consequence of leave from their Government, which must be notified to the respective Commission, their posts shall be supplied in the same form and manner as is determined for the case of death by the above-mentioned Fourteenth Article of the said regulation.

These Additional Articles shall have the same force and effect as if they were inserted word for word in the said Convention, and shall be considered as forming part of the same; they shall be ratified, and the ratifications thereof exchanged in Lisbon, within three months at latest after the date of their signature.

In witness whereof, the undersigned, being furnished with full powers to that effect, have signed these Articles, and fixed thereto the seals of their arms.

Done at *Lisbon*, this fifteenth day of *March*, in the year of our Lord one thousand eight hundred and twenty-three.

(L.S.) E. M. WARD.  
(L.S.) JOZE BAZILIO RADEMAKER.

*Treaty between His Britannic Majesty and His Catholic Majesty, for preventing their Subjects from engaging in any illicit Traffic in Slaves. Signed at Madrid, the Twenty-third of September, One thousand eight hundred and seventeen.*

Treaty with  
Spain, dated  
September  
23, 1817.

In the name of the Most Holy Trinity: It having been stated in the second Additional Article of the Treaty signed at *Madrid*, on the fifth day of *July*, of the year one thousand eight hundred and fourteen, between His Majesty the King of the United Kingdom of *Great Britain and Ireland*, and His Majesty the King of *Spain* and the *Indies*, that "His Catholic Majesty concur in the fullest manner, in the sentiments of His Britannic Majesty, with respect to the injustice and inhumanity of the Traffic in Slaves, and promises to take into consideration, with the deliberation which the state of his possessions in *America* demands, the means of acting in conformity with those sentiments; and engages, moreover, to prohibit his subjects from carrying on the Slave Trade, for the purpose of supplying any islands or possessions, excepting those appertaining to *Spain*; and to prevent, by effectual measures and regulations, the protection of the *Spanish flag* being given to foreigners who may

engage in this traffic, whether subjects of His Britannic Majesty, or any other State or Power."

And His Catholic Majesty, conformably to the spirit of this Article, and to the principles of humanity with which he is animated, having never lost sight of an object so interesting to him, and being desirous of hastening the moment of its attainment, has resolved to co-operate with His Britannic Majesty in the cause of humanity, by adopting, in concert with his said Majesty, efficacious means for bringing about the abolition of the Slave Trade, for effectually suppressing illicit Traffic in Slaves on the part of their respective subjects, and for preventing Spanish ships trading in slaves conformably to law and to treaty from being molested or subjected to losses from British cruisers: the two High Contracting Parties have accordingly named as their plenipotentiaries, viz.—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Henry Wellesley, a member of His Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, and His Majesty's Ambassador Extraordinary and Plenipotentiary to His Catholic Majesty; and His Majesty the King of Spain and the Indies, Don Josef Garcia de Leon y Pizarro, Knight Grand Cross of the royal and distinguished Spanish Order of Charles Third, of that of Saint Ferdinand and of Merit, of Naples, of those of Saint Alexander Newsky and of Saint Anne, of Russia, and of that of the Red Eagle, of Prussia, Councillor of State, First Secretary of State and of the General Dispatch; who, having exchanged their respective full powers, found to be in good and due form, have agreed upon the following Articles:

Article the First.—His Catholic Majesty engages, that the Slave Trade shall be abolished throughout the entire dominions of Spain on the thirtieth day of May, one thousand eight hundred and twenty, and that from and after that period it shall not be lawful for any of the subjects of the Crown of Spain to purchase slaves, or to carry on the Slave Trade on any part of the coast of Africa, upon any pretext or in any manner whatever: Provided, however, that a term of five months from the said date of the thirtieth of May, one thousand eight hundred and twenty, shall be allowed for completing the voyages of vessels which shall have cleared out lawfully, previously to the said thirtieth of May.

Article the Second.—It is hereby agreed, that from and after the exchange of the ratifications of the present Treaty it shall not be lawful for any of the subjects of the Crown of Spain to purchase slaves, or to carry on the Slave Trade, on any part of the coast of Africa to the north of the equator, upon any pretext or in any manner whatever: Provided, however, that a term of six months, from the date of the exchange of the ratifications of this Treaty, shall be allowed for completing the voyages of vessels which shall have cleared out from Spanish ports for the said coast previously to the exchange of the said ratifications.

Article the Third.—His Britannic Majesty engages to pay,

in London, on the twentieth of February, one thousand eight hundred and eighteen, the sum of four hundred thousand pounds sterling, to such person as His Catholic Majesty shall appoint to receive the same.

Article the Fourth.—The said sum of four hundred thousand pounds sterling is to be considered as a full compensation for all losses sustained by the subjects of His Catholic Majesty, engaged in this traffic, on account of vessels captured previously to the exchange of the ratifications of the present Treaty, as also for the losses which are a necessary consequence of the abolition of the said traffic.

Article the Fifth.—One of the objects of this Treaty, on the part of the two Governments, being mutually to prevent their respective subjects from carrying on an illicit Slave Trade;

The two High Contracting Parties declare, that they consider as illicit any Traffic in Slaves carried on under the following circumstances :

First. Either by *British* ships, and under the *British* flag, or for the account of *British* subjects, by any vessel or under any flag whatsoever.

Second. By *Spanish* ships, upon any part of the coast of Africa north of the equator, after the exchange of the ratifications of the present Treaty: Provided, however, that six months shall be allowed for completing the voyage of vessels, conformably to the tenor of the Second Article of this Treaty.

Third. Either by *Spanish* ships, and under the *Spanish* flag, or for the account of *Spanish* subjects by any vessel or under any flag whatsoever, after the thirtieth of May, one thousand eight hundred and twenty, when the Traffic in Slaves, on the part of *Spain*, is to cease entirely: Provided always, that five months shall be allowed for the completion of voyages commenced in due time conformably to the First Article of this Treaty.

Fourth. Under the *British* or *Spanish* flag for the account of the subjects of any other Government.

Fifth. By *Spanish* vessels bound for any port not in the dominions of His Catholic Majesty.

Article the Sixth.—His Catholic Majesty will adopt, in conformity to the spirit of this Treaty, the measures which are best calculated to give full and complete effect to the laudable objects which the High Contracting Parties have in view.

Article the Seventh.—Every *Spanish* vessel which shall be destined for the Slave Trade, in any part of the coast of Africa where this traffic still continues to be lawful, must be provided with a royal passport, conformable to the model annexed to the present Treaty, and which model forms an integral part of the same. This passport must be written in the *Spanish* language, with an authentic translation in *English* annexed thereto; and it must be signed by His Catholic Majesty, and countersigned by the Minister of Marine, and also by the principal naval authority of the district, station, or port from whence the vessel clears out, whether in *Spain*, or in the colonial possessions of His Catholic Majesty.

Article the Eighth.—It is to be understood that this passport, for rendering lawful the voyages of slave ships, is required only for the continuation of the traffic to the south of the line; those passports which are now issued, signed by the First Secretary of State of His Catholic Majesty, and in the form prescribed by the order of the sixteenth of December, one thousand eight hundred and sixteen, remaining in full force for all vessels which may have cleared out for the coast of Africa, as well as the north as to the south of the line, previously to the exchange of the ratifications of the present Treaty.

Article the Ninth.—The two High Contracting Parties, for the more complete attainment of the object of preventing all illicit Traffic in Slaves on the part of their respective subjects, mutually consent, that the ships of war of their royal navies which shall be provided with special instructions for this purpose, as hereinafter mentioned, may visit such merchant-vessels of the two nations as may be suspected, upon reasonable grounds, of having slaves on board acquired by an illicit traffic, and, in the event only of their finding slaves on board, may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified.

Provided always, That the commanders of the ships of war of the two royal navies who shall be employed on this service shall adhere strictly to the exact tenor of the instructions which they shall receive for this purpose.

As this Article is entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessels.

It being understood that this indemnity shall invariably be borne by the Government whose cruiser shall have been guilty of the arbitrary detention: Provided always, that the visit and detention of slave ships specified in this Article shall only be effected by those *British* or *Spanish* vessels which may form part of the two royal navies, and by those only of such vessels which are provided with the special instructions annexed to the present Treaty.

Article the Tenth.—No *British* or *Spanish* cruiser shall detain any slave ship not having slaves actually on board: and in order to render lawful the detention of any ship, whether *British* or *Spanish*, the slaves found on board of such vessel must have been brought there for the express purpose of the traffic, and those on board of *Spanish* ships must have been taken from that part of the coast of Africa where the Slave Trade is prohibited, conformably to the tenor of the present Treaty.

Article the Eleventh.—All ships of war of the two nations, which shall hereafter be destined to prevent the illicit Traffic in Slaves, shall be furnished by their own Government with a copy of the instructions annexed to the present Treaty, and which shall be considered as an integral part thereof.

These instructions shall be written in *Spanish* and *English*,

assigned; for the vessels of each of the two powers, by the ministers of their respective marine.

The two High Contracting Parties reserve the faculty of altering the said instructions, in whole or in part, according to circumstances; it being however well understood, that the said alterations cannot take place but by common agreement, and by the assent of the two High Contracting Parties.

Article the Twelfth.—In order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in an illicit Traffic of Slaves, there shall be established, within the space of a year at furthest, from the exchange of the ratifications of the present Treaty, two Mixed Commissions, formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns.

These Commissions shall reside, one in a possession belonging to His Britannic Majesty, the other within the territories of His Catholic Majesty; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own dominions, in what places the Commissions shall respectively reside, each of the two High Contracting Parties reserving to itself the right of changing at its pleasure the place of residence of the Commission held within its own dominions: Provided, however, that one of the two Commissions shall always be held upon the coast of Africa, and the other in one of the colonial possessions of His Catholic Majesty.

These Commissions shall judge the causes submitted to them without appeal, and according to the regulations and instructions annexed to the present Treaty, of which they shall be considered as an integral part.

Article the Thirteenth.—The acts or instruments annexed to this Treaty, and which form an integral part thereof, are as follow:

No. 1. Form of passport for the *Spanish* merchant ships destined for the lawful Traffic in Slaves.

No. 2. Instructions for the ships of war of both nations destined to prevent the illicit Traffic in Slaves.

No. 3. Regulation for the Mixed Commissions which are to hold their sittings on the coast of Africa, and in one of the colonial possessions of His Catholic Majesty.

Article the Fourteenth.—The present Treaty, consisting of fourteen Articles, shall be ratified, and the ratifications exchanged at Madrid, within the space of two months from this date, or sooner if possible.

In witness whereof the respective plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at Madrid, this twenty-third day of September, in the year of our Lord one thousand eight hundred and seventeen.

(Signed)

HENRY WELLESLEY. (L.S.)

(Signed)

JOSE PIZARRO. (L.S.)

Passport for Spanish  
vessels. *Form of Passport for Spanish Vessels destined for the lawful  
Traffic in Slaves.*

*Ferdinand, by the Grace of God, King of Castile, of Leon, of Aragon, of the Two Sicilies, of Jerusalem, of Navarre, of Grenada, of Toledo, of Valencia, of Galicia, of Majorca, of Minorca, of Seville, of Sardinia, of Cordova, of Corrica, of Murcia, of Jaen, of the Algarves, of Algariras, of Gibraltar, of the Canary Islands, of the East and West Indies, Isles and Terra Firma of the Ocean; Archduke of Austria, Duke of Burgundy, of Brabant, and of Milan; Count of Apestburgh, Flanders, Tirol, and Barcelona; Lord of Biscay and of Molina, &c.*

Whereas I have granted permission for the vessel called \_\_\_\_\_  
of \_\_\_\_\_ tons, and carrying  
men and \_\_\_\_\_ passengers, master and  
owner, both *Spaniards* and subjects of my Crown, to proceed  
bound to the ports \_\_\_\_\_ and \_\_\_\_\_ coast of Africa,  
from whence she is to return to \_\_\_\_\_, the said master  
and owner having previously taken [the required oath before the  
Tribunal of Marine of the proper naval division from whence the  
said vessel sails, and legally proved that no foreigner has any  
share in the above vessel and cargo, as appears by the certificate  
annexed to this passport; which certificate is given by the same  
tribunal in consequence of the steps taken in pursuance of the  
directions contained in the ordinance of matriculation of one  
thousand eight hundred and twenty-two:

The said \_\_\_\_\_ captain and \_\_\_\_\_ owner of the  
said vessel being under an obligation to enter solely such ports  
on the coast of Africa as are to the south of the Line, and to  
return from thence to any of the ports of my dominions where  
alone they shall be permitted to land the slaves whom they  
carry, after going through the proper forms to show that they  
have in every respect complied with the provisions of my royal  
decree of \_\_\_\_\_ one thousand eight hundred and seven-  
teen, by which the mode of conveying slaves from the coast of  
Africa to my colonial dominions is regulated; and should they  
fail in any of these conditions, they shall be liable to the penali-  
ties denounced by the said decree against those who shall carry  
on the Slave Trade in an illicit manner:

I therefore command all general and other officers command-  
ing my squadrons and ships, the captain-generals of the depart-  
ments of marine, the military commandants of the provinces of  
the same, their subalterns, captains of the ports, and all other  
officers and persons belonging to the navy; the viceroys, cap-  
tain-generals or commandants of kingdoms and provinces; the  
governors, mayors, and justices of the towns upon the sea-coast  
of my dominions of Indies; the royal officers or judges of entries  
therin established, and all others of my subjects to whom it  
belongs or may belong, not to give her any obstruction nor to  
occasion her any inconvenience or detention, but rather to aid  
her and to furnish her with whatever she may want for her

regular navigation; and of the vassals and subjects of kings, princes, and republics, in friendship and alliance with me, of the commanders, governors, or chiefs of their provinces, fortresses, squadrons, and vessels, I require that they likewise shall not impede her in her free navigation, entry, departure, or detention in the ports to which by any accident she may be carried, but permit her to provide and supply herself therein with whatever she may be in need of; for which purpose I have commanded his passport to be made out; which being signed for its validity by my secretary of state for the Dispatch of Marine, shall serve for the time that a voyage going and returning may last, after the conclusion of which it shall be returned to the commandant of marine, governor, or other person by whom it may have been issued, adding for its proper use the corresponding note.

Given at Madrid, on

I, The King.

(Here the Signature of the Secretary of State and of  
the Dispatch of Marine.)

Note.—This passport, No. authorizes any number of slaves, not exceeding being in the proportion of five slaves for every two tons (as permitted by the royal decree of 1817), excepting always such slaves employed as sailors or domestics, and children born on board during the voyage; and the same is issued by me, the undersigned on the day of this date, made out in favour of who has previously conformed with all the formalities required by the royal decree of 1817, and is bound to return it immediately upon his return from the voyage.

Given at on the of

of the year

(Here the Signature of the principal Marine Authority of the Naval Division, Station, Province, or Port, from whence the vessel clears out.)

(Signed) (Signed)  
HENRY WELLESLEY. (L.S.) JOSE PIZARRO. (L.S.)

Instructions  
for British  
and Spanish  
ships of war.

Article I.—Every British or Spanish ship of war shall, in conformity with Article IXth of the Treaty of this date, have a right to visit the merchant ships of either of the two Powers actually engaged or suspected to be engaged in the Slave Trade; and should any slaves be found on board, according to the tenor of the Xth Article of the aforesaid Treaty; and as to what regards the Spanish vessels, should there be ground to suspect that the said slaves have been embarked on a part of the coast of Africa where the traffic is no longer permitted, conformably to the Articles I and II of the Treaty of this date; in these

cases alone the commander of the said ship of war may detain them; and having detained them, he is to bring them as soon as possible, for judgment, before that of the two Mixed Commissions appointed by the XIIth Article of the Treaty of this date, which shall be the nearest, or which the commander of the capturing ship shall, upon his own responsibility, think he can soonest reach from the spot where the slave ship shall have been detained.

Ships on board of which no slaves shall be found, intended for purposes of traffic, shall not be detained on any account or pretence whatever.

Negro servants or sailors that may be found on board the said vessels cannot, in any case, be deemed a sufficient cause of detention.

**Article II.**—No Spanish merchantman or slave ship shall on any pretence whatever be detained, which shall be found anywhere near the land, or on the high seas, south of the equator, during the period for which the traffic is to remain lawful, according to the stipulations subsisting between the High Contracting Parties, unless after a chace that shall have commenced, north of the equator.

**Article III.**—Spanish vessels, furnished with a regular passport, having slaves on board, shipped at those parts of the coast of Africa where the trade is permitted to Spanish subjects, and which shall afterwards be found north of the equator, shall not be detained by the ships of war of the two nations, though furnished with the present instructions, provided the same can account for their course, either in conformity with the practice of the Spanish navigation, by steering some degrees to the northward in search of fair winds, or for other legitimate causes, such as the dangers of the sea, duly proved: Provided always, that with regard to all slave ships detained to the north of the equator, after the expiration of the term allowed, the proof of the legality of the voyage is to be furnished by the vessel so detained. On the other hand, with respect to slave ships detained to the south of the equator, in conformity with the stipulations of the preceding Article, the proof of the illegality of the voyage is to be exhibited by the captor.

It is in like manner stipulated that the number of slaves found on board a slave ship by the cruizers, even should the number not agree with that contained in their passports, shall not be sufficient reason to justify the detention of the ship; but the captain and proprietor shall be denounced in the Spanish tribunals, in order to their being punished according to the laws of the country.

**Article IV.**—Every Spanish vessel intended to be employed in the legal Traffic in Slaves, in conformity with the principles laid down in the Treaty of this date, shall be commanded by a native Spaniard; and two-thirds, at least, of the crew shall likewise be Spaniards: Provided always, that the Spanish or foreign construction shall in no wise affect its nationality, and that the negro sailors shall always be reckoned as Spaniards.

provided they belong, as slaves, to subjects of the Crown of Spain, or that they have been enfranchised in the dominions of His Catholic Majesty.

Article V.—Whenever a ship of war shall meet a merchantman liable to be searched, it shall be done in the most mild manner, and with every attention which is due between allied and friendly nations; and in no case shall the search be made by an officer holding a rank inferior to that of lieutenant in the navy of Great Britain, or of ensign of a ship of the line in the Spanish navy.

Article VI.—The ships of war which may detain any slave ship, in pursuance of the principles laid down in the present instructions, shall leave on board all the cargo of negroes untouched, as well as the captain, and a part, at least, of the crew of the above-mentioned slave-ship; the captain shall draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it; he shall deliver to the captain of the slave ship a signed certificate of the papers seized on board of the said vessel, as well as of the number of slaves found on board at the moment of detention.

The negroes shall not be disembarked till after the vessels which contain them shall be arrived at the place where the legality of the capture is to be tried by one of the two Mixed Commissions, in order that, in the event of their not being adjudged legal prize, the loss of the proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the voyage, the state of health of the negroes, or other causes, required that they should be disembarked entirely, or in part, before the vessel could arrive at the place of residence of one of the said Commissions, the commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate in a proper form.

Article VII.—No conveyance of slaves from one part in the Spanish possessions to another shall take place, except in ships provided with passports from the Government on the spot *ad hoc*.

Bone at Madrid, the twenty-third day of September in the year of our Lord one thousand eight hundred and seventeen.

(L.A.) HENRY WELLESLEY. (L.S.) JOSE PIZARRO.

*Regulations for the Mixed Commissions, which are to reside on the Coast of Africa, and in a Colonial Possession of His Catholic Majesty.*

Regulations  
for Mixed  
Commissions  
as to Spain.

Article I.—The Mixed Commissions to be established by the Treaty of this date, upon the coast of Africa and in a colonial possession of His Catholic Majesty, are appointed to decide upon

the legality of the detention of such slave vessels as the subjects of both nations shall detain, in pursuance of this same Treaty, for carrying on an illicit commerce in slaves.

The above-mentioned Commissions shall judge, without appeal, according to the letter and spirit of the Treaty of this date.

The Commissions shall give sentence as summarily as possible, and they are required to decide (as far as they shall find it practicable) within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside; first, upon the legality of the capture; second, in the case in which the captured vessel shall have been liberated, as to the indemnifications which she is to receive.

And it is hereby provided, that in all cases the final sentence shall not be delayed on account of the absence of witnesses, or for want of other proofs, beyond the period of two months, except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the commissioners may, at their discretion, grant an additional delay, not exceeding four months.

Article II.—Each of the above-mentioned Mixed Commissions, which are to reside on the coast of Africa and in a colonial possession of His Catholic Majesty, shall be composed in the following manner:

The two High Contracting Parties shall each of them name a commissary judge and a commissioner of arbitration, who shall be authorized to hear and to decide, without appeal, all cases of capture of slave vessels which, in pursuance of the stipulations of the Treaty of this date, may be laid before them. All the essential parts of the proceedings carried on before these Mixed Commissions shall be written down in the legal language of the country in which the Commission may reside.

The commissary judges and the commissioners of arbitration shall make oath, in presence of the principal magistrate of the place in which the Commission may reside, to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act in all their decisions in pursuance of the stipulations of the Treaty of this date.

There shall be attached to each Commission a secretary or registrar appointed by the Sovereign of the country in which the Commission may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath, in presence of at least one of the commissary judges, to conduct himself with respect to their authority, and to act with fidelity in all the affairs which may belong to his charge.

Article III.—The form of the process shall be as follows:

The commissary judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessel, and to receive the depositions on oath of the captain, and of two or three at least of the principal individuals on board of the

detained vessel, as well as the declaration on oath of the captor, should it appear necessary, in order to be able to judge and to pronounce if the said vessel has been justly detained or not, according to the stipulations of the Treaty of this date, and in order that, according to this judgment, it may be condemned or liberated. And in the event of the two commissary judges not agreeing on the sentence they ought to pronounce, whether as to the legality of the detention, or the indemnification to be allowed, or on any other question which might result from the stipulations of the Treaty of this date,—they shall draw by lot the name of one of the two commissioners of arbitration, who, after having considered the documents of the process, shall consult with the above-mentioned commissary judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned commissary judges, and of the above-mentioned commissioner of arbitration.

Article IV.—As often as the cargo of slaves found on board of a Spanish slave ship shall have been embarked on any point whatever of the coast of Africa where the Slave Trade continues to be lawful, such slave ship shall not be detained on pretext that the above-mentioned slaves have been brought originally by land from any other part whatever of the continent.

Article V.—In the authenticated declaration which the captor shall make before the Commission, as well as in the certificate of the papers seized, which shall be delivered to the captain of the captured vessel at the time of the detention, the above-mentioned captor shall be bound to declare his name, the name of his vessel, as well as the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found living on board of the slave ship at the time of the detention.

Article VI.—As soon as sentence shall have been passed, the detained vessel, if liberated, and what remains of the cargo, shall be restored to the proprietors, who may before the same Commission claim a valuation of the damages which they may have a right to demand; the captor himself, and in his default his Government, shall remain responsible for the above-mentioned damages.

The two High Contracting Parties bind themselves to defray, within the term of a year from the date of the sentence, the indemnifications which may be granted by the above-named Commission, it being understood that these indemnifications shall be at the expense of the Power of which the captor shall be a subject.

Article VII.—In case of the condemnation of a vessel for an unlawful voyage, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale for the profit of the two Governments; and as to the slaves, they shall receive from the Mixed Commission a certificate of

emancipation, and shall be delivered over to the Government on whose territory the Commission which shall have so judged them shall be established, to be employed as servants or free labourers. Each of the two Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

Article VIII.—Every claim for compensation of losses occasioned to ships suspected of carrying on an illicit Trade in Slaves, not condemned as lawful prize by the Mixed Commission, shall also be heard and judged by the above-named Commissions, in the form provided by the Third Article of the present regulation; and in all cases wherein restitution shall be so decreed, the Commission shall award to the claimant or claimants, or his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification, for all costs of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention: that is to say, in case of total loss, the claimant or claimants shall be indemnified,—first, for the ship, her tackle, apparel, and stores; secondly, for all freight due and payable; thirdly, for the value of the cargo of merchandize, if any; fourthly, for the slaves on board at the time of detention, according to the computed value of such slaves at the place of destination, deducting therefrom the usual fair average mortality for the unexpired period of the regular voyage; deducting also for all charges and expenses payable upon the sale of such cargoes, including commission of sale; and, fifthly, for all other regular charges in such cases of total loss: And in all other cases not of total loss, the claimant or claimants shall be indemnified,—first, for all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable; secondly, a demurrage, when due, according to the schedule annexed to the present Article; thirdly, a daily allowance for the subsistence of slaves, of one shilling and four reals and half de vor, for each person, without distinction of sex or age, for so many days as it shall appear to the Commission that the voyage has been or may be delayed by reason of such detention; as likewise, fourthly, for any deterioration of cargo or slaves; fifthly, for any diminution in the value of the cargo of slaves, proceeding from an increased mortality beyond the average amount of the voyage, or from sickness occasioned by detention; this value to be ascertained by their computed price at the place of destination, as in the above case of total loss; sixthly, an allowance of five *per cent.* on the amount of the capital employed in the purchase and maintenance of cargo, for the period of delay occasioned by the detention; and, seventhly, for all premium of insurance on additional risks.

The claimant or claimants shall likewise be entitled to interest, at the rate of five *per cent. per annum* on the sum awarded, until paid by the Government to which the capturing ship belongs; the whole amount of such indemnification being calculated in the money of the country to which the captured ship belongs, and to be liquidated at the exchange current at the time of the award,

excepting the sum for the subsistence of slaves, which shall be paid at par, as above stipulated.

The two High Contracting Parties wishing to avoid, as much as possible, every species of fraud in the execution of the Treaty of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the commissary judges of the two nations, and without having recourse to the decision of a commissioner of arbitration, that the captor has been led into error by a voluntary and reprehensible fault on the part of the captain of the detained ship; in that case only, the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article.

Schedule of demurrage or daily allowance

for a vessel of 100 tons to 120 inclusive £5

121 ditto	150 ditto	- 6	<i>per diem,</i>
151 ditto	170 ditto	- 8	
171 ditto	200 ditto	- 10	
201 ditto	220 ditto	- 11	
221 ditto	250 ditto	- 12	
251 ditto	270 ditto	- 14	
271 ditto	300 ditto	- 15	

and so in proportion.

Article IX.—When the proprietor of a ship suspected of carrying on an illicit Trade in Slaves released in consequence of a sentence of one of the Mixed Commissions (or in the case, as above mentioned, of total loss), shall claim indemnification for the loss of slaves which he may have suffered, he shall in no case be entitled to claim for more than the number of slaves which his vessel by the *Spanish* laws was authorized to carry, which number shall always be stated in his passport.

Article X.—Neither the judges, nor the arbitrators, nor the secretary of the Mixed Commissions, shall be permitted to demand or receive from any of the parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present regulation.

Article XI.—When the partiee interested shall imagine they have cause to complain of any evident injustice on the part of the Mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence, for the purpose of removing, when they think fit, the individuals who may compose these Commissions.

Article XII.—In case of a vessel being improperly detained, under pretence of the stipulations of the Treaty of this date, and the captor not being enabled to justify himself, either by the tenor of the said Treaty or of the instructions annexed to it, the Government to which the detained vessel may belong shall be entitled to demand reparation; and in such case the Government to which the captor may belong binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

Article XIII.—The two High Contracting Parties have agreed, that in the event of the death of one or more of the commissary judges or the commissioners of arbitration composing the above-mentioned Mixed Commissions, their posts shall be supplied, *ad interim*, in the following manner:

On the part of the *British* Government, the vacancies shall be filled successively in the Commission which shall sit within the possessions of His *Britannic* Majesty, by the governor or lieutenant-governor resident in that colony, by the principal magistrate of the same, and by the secretary; and in that which shall sit within the possessions of His Catholic Majesty, it is agreed, that in case of the death of the *British* judge or arbitrator there, the remaining individuals of the said Commission shall proceed equally to the judgment of such slave ships as may be brought before them, and to the execution of their sentence. In this case alone, however, the parties interested shall have the right of appealing from the sentence, if they think fit, to the Commission resident upon the coast of *Africa*; and the Government to which the captor shall belong shall be bound fully to make good the compensation which shall be due to them in case the appeal be decided in favour of the claimants; but the vessel and cargo shall remain, during such appeal, in the place of residence of the first Commission before which they shall have been carried.

On the part of *Spain*, the vacancies shall be supplied, in the possessions of His Catholic Majesty, by such persons of trust as the principal authority of the country shall appoint; and upon the coast of *Africa* in case of the death of any *Spanish* judge or arbitrator, the Commission shall proceed to judgment in the same manner as above specified for the Commission resident in the possessions of His Catholic Majesty, in the event of the death of the *British* judge or arbitrator: an appeal being, in this case likewise, allowed to the Commission resident in the possession of His Catholic Majesty; and in general, all the provisions of the former case being to be applied to the present.

The High Contracting Parties have agreed to supply, as soon as possible, the vacancies that may arise in the above-mentioned Commissions, from death or any other cause; and in case that the vacancy of any of the *Spanish* commissioners in the *British* possessions, or of the *British* Commissioners in the *Spanish* possessions, be not supplied at the end of the term of seven months for *America*, and of twelve for *Africa*, the vessels which shall be brought to the said possessions respectively shall cease to have the right of appeal above stipulated.

Done at *Madrid* the twenty-third day of *September* in the year of our Lord one thousand eight hundred and seventeen.

(L.S.) HENRY WELLESLEY.

(L.S.) JOSE PIZARRO.

*Explanatory Article to the Treaty between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Spains, concluded and signed at Madrid, September the Twenty-third, One thousand eight hundred and seventeen.*

Explanatory Article to  
Treaty with  
Spain, dated  
September  
23, 1817.

WHEREAS it is stated in Article I of the "Instructions intended for British and Spanish ships of war employed to prevent the illicit Traffic in Slaves," that "Ships, on board of which no Slaves shall be found, intended for Purposes of Traffic, shall not be detained on any Account or Pretence whatever;" And whereas it has been found by experience, that vessels employed in the illegal traffic have put their slaves momentarily on shore, immediately prior to their being visited by ships of war, and that such vessels have thus found means to evade forfeiture, and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Treaty above mentioned:

The High Contracting Parties therefore feel it necessary to declare, and it is hereby declared by them, that if there shall be clear and undeniable proof that a slave or slaves has or have been put on board a vessel, for the purpose of illegal traffic, in the particular voyage on which the vessel shall be captured, then, and on that account, according to the true intent and meaning of the stipulations of the Treaty, such vessel shall be detained by the cruisers, and finally condemned by the Commissioners.

This explanatory Article shall have the same force and effect as if it were inserted word for word in the said Treaty, and shall be held to form part of the same.

In witness whereof the undersigned, furnished with full powers to that effect, have hereunto signed their names, and affixed their seals.

Done at *Madrid*, the tenth day of *December*, one thousand eight hundred and twenty-two.

(L.S.) WILLIAM A'Court.

*Additional Article to the Treaty between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Spains, signed at Madrid, September the Twenty-third, One thousand eight hundred and seventeen.*

Additional  
Article to  
Treaty with  
Spain, Sep-  
tember 23,  
1817.

The High Contracting Parties hereby agree, that in the event of the absence, on account of illness or of any other unavoidable cause, of one or more of the commissioners, judges, and arbitrators under the above-mentioned Treaty, or in case of their

absence in consequence of leave from their Government, duly notified to the Board of Commission sitting under the said Treaty, their posts shall be supplied in the same manner in which, by the Article XIV of the Regulations for the Mixed Commissions, those vacancies in the Commission are to be supplied which may occur by the death of one or more of the commissioners aforesaid.

This Article shall have the same force and effect as if it had been inserted word for word in the above-mentioned Treaty, and shall be held to form part of the same.

In witness whereof the undersigned, duly furnished with full powers to that effect, have signed the present Additional Article, and have affixed thereunto the seal of their arms.

Done at *Madrid*, the tenth day of *December*, one thousand eight hundred and twenty-two.

(L.S.) WILLIAM A'COURT.

Declaration  
explanatory  
of Article to  
Treaty with  
Spain,  
December 10,  
1822.

*Declaration explanatory of the Additional Article between Great Britain and Spain, signed at Madrid, December Tenth, One thousand eight hundred and twenty-two.*

WHEREAS in the Additional Article to the Treaty for preventing an illegal Commerce in slaves, signed at *Madrid*, the tenth *December*, one thousand eight hundred and twenty-two, a reference is made by a mistake of the copyist to the Fourteenth instead of the Thirteenth Article of the Regulations for the Mixed Commissions: we, the undersigned, fully authorized to that effect, do hereby agree and declare, that the reference aforesaid shall be considered as applying to the Thirteenth Article, according to the evident intention of the High Contracting Parties.

Done at *Madrid*, this second day of *February*, one thousand eight hundred and twenty-four.

(Signed) (L.S.) WILLIAM A'COURT.  
(L.S.) EL CONDE DE OPALIA.

Treaty with  
the Nether-  
lands, dated  
May 4, 1818.

*Treaty between His Britannic Majesty and His Majesty the King of the Netherlands, for preventing their Subjects from engaging in any Traffic in Slaves. Signed at The Hague, May Fourth, One thousand eight hundred and eighteen.*

In the name of the Most Holy Trinity:—His Majesty the King of the United Kingdom of *Great Britain and Ireland*, and His Majesty the King of the *Netherlands*, animated with a mutual desire to adopt the most effectual measures for putting a stop to the carrying on of the Slave Trade by their respective subjects, and for preventing their respective flags from being made

view of non-protection to this nefarious traffic, by the people of other Colonies who may engage therein; their said Majesties have accordingly resolved to proceed to the arrangement of a Convention for the attainment of their objects, and have therefore appointed as plenipotentiaries *ad hoc*.

His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* the Right Honourable *Richard Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench of Garbally*, in the United Kingdom of *Great Britain* and *Ireland*, one of His Majesty's Most Honourable Privy Council in *Great Britain* and also in *Ireland*, Member of the Committee of the First for the Affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of *Galway*, Knight Grand Cross of the Most Honourable Order of the Bath, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the *Netherlands*, Grand Duke of *Luxemburgh*; and His Majesty the King of the *Netherlands*, *Anne William Charles Baron de Nagell d'Ampegn*, Member of the Body of Nobles of the Province of *Gelderland*, Knight Grand Cross of the Order of the *Balgic Lion*, and of that of *Charles the Third*, Chamberlain and Minister of State holding the Department of Foreign Affairs; and *Cornelius Felix Van Maanen*, Commander of the Order of the *Balgic Lion*, and Minister of State holding the Department of Justice; who, having exchanged their full powers, found in good and due form, have agreed on the following Articles:

Article I.—The laws of the United Kingdom of *Great Britain* and *Ireland* rendering it already highly penal for the subjects to His Britannic Majesty to carry on or to be in any way engaged in Trade in Slaves, His Majesty the King of the *Netherlands*, referring to the Eighth Article of the Convention entered into with His Britannic Majesty on the thirteenth *August*, one thousand eight hundred and fourteen, engages in pursuance thereof, and within eight months from the ratification of these presents, or sooner if possible, to prohibit all his subjects, in the most effectual manner, and especially by penal law the most formal, to take any part whatever in the Trade of Slaves: and in the event of the measures already taken by the *British Government*, and to be taken by that of the *Netherlands*, being found ineffectual or insufficient, the High Contracting Parties mutually engage to adopt such further measures, whether by legal provision or otherwise, as may from time to time appear to be best calculated in the most effectual manner to prevent all their respective subjects from taking any share whatever in this nefarious traffic.

Article II.—The two High Contracting Parties, for the more complete attainment of the object of preventing all Traffic in Slaves on the part of their respective subjects, mutually consent that the ships of their royal navies, which shall be provided with special instructions for this purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may be suspected upon reasonable grounds of having slaves on board for illicit traffic, and, in the event only of their finding such slaves on board, may detain and bring away such vessels, in

order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified.

Article III.—In the intention of explaining the mode of execution of the preceding Article, it is agreed,

1st. That such reciprocal right of visit and detention shall not be exercised within the *Mediterranean Sea*, or within the seas in *Europe* lying without the Straits of *Gibraltar*, and which lie to the northward of the thirty-seventh parallel of north latitude, and also within and to the eastward of the meridian of longitude twenty degrees west of *Greenwich*.

2d. That the names of the several vessels furnished with such instructions, the force of each, and the names of their several commanders, shall be, from time to time, immediately upon their issue, communicated by the Power issuing the same, to the other High Contracting Party.

3d. That the number of ships of each of the royal navies authorized to make such visits as aforesaid shall not exceed the number of twelve, belonging to either of the High Contracting Parties, without the special consent of the other High Contracting Party being first had and obtained.

4th. That if at any time it should be deemed expedient that any ship of the royal navy of either of the two High Contracting Parties, authorized to make such visits as aforesaid, should proceed to visit any merchant ship or ships under the flag and proceeding under the convoy of any vessel or vessels of the royal navy of the other High Contracting Party, that the commanding officer of the ship, duly authorized and instructed to make such visit, shall proceed to effect the same in communication with the commanding officer of the convoy, who, it is hereby agreed, shall give every facility to such visit, and to the eventual detainer of the merchant ship or ships so visited, and in all things assist to the utmost of his power in the due execution of the present Convention, according to the true intent and meaning thereof.

5th. It is further mutually agreed, that the commanders of the ships of the two royal navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall receive for this purpose.

Article IV.—As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government whose cruiser shall have been guilty of the arbitrary detention: and that the visit and detention of ships specified in this Article shall only be effected by those *British* or *Netherland* vessels which may form part of the two royal navies, and by those only of such vessels which are provided with the special instructions annexed to the present Treaty, in pursuance of the provisions thereof.

Article V.—No *British* or *Netherland* cruiser shall detain any ship whatever not having slaves actually on board; and in order to render lawful the detention of any ship, whether *British*

or *Netherland*, the slaves found on board such vessel must have been brought there for the express purpose of the traffic.

Article VI.—All ships of the royal navies of the two nations, which shall hereafter be destined to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy of the instructions annexed to the present Treaty, and shall be considered as an integral part thereof.

These instructions shall be written in the *Dutch* and *English* languages, and signed for the vessels of each of the two Powers by the minister of their respective marine.

The two High Contracting Parties reserve the faculty of altering the said instructions, in whole or in part, according to circumstances ; it being however well understood, that the said alterations cannot take place but by common agreement, and by the consent of the two High Contracting Parties.

Article VII.—In order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in a Traffic of Slaves, according to the tenor of the Fifth Article of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present Treaty, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns.

These courts shall reside, one in a possession belonging to His *Britannic* Majesty, the other within the territories of His Majesty the King of the *Netherlands*; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own dominions, in what places the courts shall respectively reside. Each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the court held within its own dominions ; provided, however, that one of the two courts shall always be held upon the coast of *Africa*, and the other in one of the colonial possessions of His Majesty the King of the *Netherlands*.

The courts shall judge the causes submitted to them according to the terms of the present Treaty, without appeal, and according to the regulations and instructions annexed to the present Treaty, of which they shall be considered as an integral part.

Article VIII.—In case the commanding officer of any of the ships of the royal navies of *Great Britain* and of the *Netherlands*, commissioned under the Second Article of this Treaty, shall deviate in any respect from the dispositions of the said Treaty, and shall not be able to justify himself, either by the tenor of the said Treaty, or of the instructions annexed to it, the Government which shall conceive itself to be wronged by such conduct shall be entitled to demand reparation ; and in such case the Government to which the captor may belong binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

Article IX.—The acts or instruments annexed to this Treaty, and which form an integral part thereof, are as follow:

*A.* Instructions for the ships of the royal navies of both nations destined to prevent the Traffic in Slaves.

*B.* Regulation for the Mixed Courts of Justice, which are to hold their sittings on the Coast of Africa, and in one of the colonial possessions of His Majesty the King of the Netherlands.

Article X.—The present Treaty, consisting of ten Articles, shall be ratified, and the ratifications exchanged within the space of one month from this date, or sooner if possible.

In witness whereof the respective plenipotentiaries have signed the same, and thereunto affixed the seal of their arms.

Done at the *Hague*, this fourth day of *May*, in the year of our Lord one thousand eight hundred and eighteen.

(Signed)	(L.S.)	CLANCARTY.
	{(L.S.)}	A. W. C. DE NAGELL.
	{(L.S.)}	VAN MAANEN.

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### *Annexes.*

Instructions  
for British  
and Nether-  
land ships.

### *Instructions for the Ships of the British and Netherland Royal Navies, employed to prevent the Traffic in Slaves.*

Article I.—Every ship of the royal *British* or *Netherland* navy, which, furnished with these instructions, shall, in conformity with the Second Article of the Treaty of this date, have a right to visit the merchant ships of either of the two Powers actually engaged or suspected to be engaged in the Slave Trade, may, except in the seas exempted by the Third Article of the said Treaty, proceed to such visit, and should any slaves be found on board, brought there for the express purposes of the traffic, the commander of the said ship of the royal navy may detain them; and having detained them, he is to bring them as soon as possible for judgment, before that of the two Mixed Courts of Justice appointed by the Seventh Article of the Treaty of this date, which shall be the nearest, or which the commander of the capturing ship shall, upon his own responsibility, think he can soonest reach from the spot where the ship shall have been detained.

Ships, on board of which no slaves shall be found intended for purposes of traffic, shall not be detained on any account or pretence whatever.

Negro servants or sailors that may be found on board the said vessels cannot in any case be deemed a sufficient cause for detention.

Article II.—Whenever a ship of the royal navy, so commissioned, shall meet a merchantman liable to be searched, it shall be done in the mildest manner, and with every attention which is due between allied and friendly nations; and in no case shall the search be made by an officer holding a rank inferior to that

of lieutenant in the navies of *Great Britain* and of the *Netherlands*.

Article III.—The ships of the royal navies so commissioned, which may detain any merchant ship, in pursuance of the tenor of the present instructions, shall leave on board all the cargo, as well as the master, and a part, at least, of the crew of the above-mentioned ship; the captor shall draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it. He shall deliver to the master of the detained ship a signed certificate of the papers seized on board the said vessel, as well as of the number of slaves found on board at the moment of detention.

The negroes shall not be disembarked till after the vessels which contain them shall be arrived at the place where the legality of the capture is to be tried by one of the two Mixed Courts, in order that in the event of their not being adjudged legal prize, the loss of the proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the voyage, the state of health of the negroes, or other causes, required that they should be disembarked, entirely or in part, before the vessel could arrive at the place of residence of one of the said courts, the commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate in proper form.

*Regulations for the Mixed Courts of Justice, which are to reside on the Coast of Africa, and in a Colonial Possession of His Majesty the King of the Netherlands.*

Regulations  
for Mixed  
Courts, as to  
the Nether-  
lands.

Article I.—The Mixed Courts of Justice to be established by the Treaty of this date, upon the coast of *Africa* and in a colonial possession of His Majesty the King of the *Netherlands*, are appointed to decide upon the legality of the detention of such vessels as the cruisers of both nations shall detain in pursuance of this same Treaty.

The above-mentioned courts shall judge definitively and without appeal, according to the present Treaty.

The proceeding shall take place as summarily as possible; the courts are required to decide, as far as they shall find it practicable, within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside; first, upon the legality of the capture; secondly, in the case in which the captured vessel shall have been liberated, as to the indemnification which the said vessel is to receive.

And it is hereby provided, that in all cases the final sentence shall not be delayed on account of the absence of witnesses or for want of other proofs, beyond the period of two months,

except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the courts may, at their discretion, grant an additional delay, not exceeding four months.

Article II.—Each of the above-mentioned Mixed Courts, which are to reside on the coast of Africa, and in a colonial possession of His Majesty the King of the *Netherlands*, shall be composed in the following manner:

The two High Contracting Parties shall each of them name a judge and an arbitrator, who shall be authorized to hear and to decide, without appeal, all cases of capture of vessels which, in pursuance of the stipulations of the Treaty of this date, shall be brought before them. All the essential parts of the proceedings carried on before these Mixed Courts shall be written down in the legal language of the country in which the court may reside.

The judges and the arbitrators shall make oath before the principal magistrate of the place in which the courts may reside, to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act in all their decisions in pursuance of the stipulations of the Treaty of this date.

There shall be attached to each court a secretary or registrar, appointed by the Sovereign of the country in which the court may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath before the court to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.

Article III.—The form of the process shall be as follows:

The judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessels, and to receive the depositions of the captain, and of two or three at least of the principal individuals on board of the detained vessel, as well as the declaration on oath of the captor, should it appear necessary, in order to be able to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the present Treaty, and in order that, according to this judgment, it may be condemned or liberated; and in the event of the two judges not agreeing in the sentence they ought to pronounce, whether as to the legality of the detention, or the indemnification to be allowed, or any other question which might result from the stipulations of the present Treaty, they shall draw by lot the name of one of the two arbitrators, who having considered the documents of the process, shall consult with the above-mentioned judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned judges, and of the above-mentioned arbitrator.

Article IV.—In the authenticated declaration, which the captor shall make before the court, as well as in the certificate of the papers seized, which shall be delivered to the captain of the captured vessel, at the time of the detention, the above-mentioned captor shall be bound to declare his name, the name of

his vessel, as well as the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found on board of the ship at the time of the detention.

Article V.—As soon as sentence shall have been pronounced, the detained vessel, if liberated, and the cargo, in the state in which it shall then be found, shall be restored to the master or the person who represents him, who may, before the same court, claim a valuation of the damages which they may have a right to demand; the captor himself, and in his default, his Government, shall remain responsible for the above-mentioned damages.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the cost and damages which may be granted by the above-named court, it being understood that these costs and damages shall be at the expense of the Power of which the captor shall be a subject.

Article VI.—In case of the condemnation of a vessel, she shall be declared lawful prize as well as her cargo, of whatever description it may be, with the exception of the slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale, for the profit of the two Governments; and as to the slaves, they shall receive from the Mixed Court a certificate of emancipation, and shall be delivered over to the Government on whose territory the court which shall have so judged them shall be established, to be employed as servants or free labourers.

Each of the two Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

Article VII.—The Mixed Courts shall also take cognizance and decide according to the Third Article of this regulation on all claims for compensation on account of losses occasioned to vessels detained under suspicion of having been engaged in the Slave Trade, but which shall not have been condemned as legal prize by the said courts; and in all cases wherein restitution shall be decreed the court shall award to the claimant or claimants, his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention; that is to say, first, in the case of total loss, the claimant or claimants shall be indemnified,

*A. For the ship, her tackle, apparel, and stores.*

*B. For all freights due and payable.*

*C. For the value of the cargo of merchandise, if any; deducting for all charges and expenses payable upon the sale of such cargoes, including commission of sale.*

*D. For all other regular charges, in such cases of total loss; and*

*Secondly, in all other cases not of total loss, the claimant or claimants shall be indemnified,*

*A.* For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable.

*B.* A demurrage when due, according to the schedule annexed to the present Article.

*C.* For any deterioration of the cargo.

*D.* An allowance of five *per cent.* on the amount of the capital employed in the purchase of cargo, for the period of delay occasioned by the detention; and,

*E.* For all premium of insurance on additional risks.

The claimant or claimants shall in all cases be entitled to interest at the rate of five *per cent. per annum* on the sum awarded, until paid by the Government to which the capturing ship belongs; the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs, and to be liquidated at the exchange current at the time of the award.

The two High Contracting Parties wishing, however, to avoid, as much as possible, every species of fraud in the execution of the Treaty of this date, have agreed that if it should be proved, in a manner evident to the conviction of the judges of the two nations, and without having recourse to the decision of an arbitrator, that the captor has been led into error by a voluntary and reprehensible fault on the part of the captain of the detained ship, in that case only the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article.

Schedule of demurrage or daily allowance for a vessel of

100 tons to 120 inclusive,	. . . . .	£5	per diem,
121 ditto 150 ditto	. . . . .	6	
151 ditto 170 ditto	. . . . .	8	
171 ditto 200 ditto	. . . . .	10	
201 ditto 220 ditto	. . . . .	11	
221 ditto 250 ditto	. . . . .	12	
251 ditto 270 ditto	. . . . .	14	
271 ditto 300 ditto	. . . . .	15	

and so in proportion.

Article VIII.—Neither the judges nor the arbitrators, nor the secretary of the Mixed Court, shall be permitted to demand or receive, from any of the parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present regulation.

Article IX.—The two High Contracting Parties have agreed, that in the event of the death or legal impeachment of one or more of the judges or arbitrators composing the above-mentioned Mixed Courts, their posts shall be supplied, *ad interim*, in the following manner:

On the part of the British Government, the vacancies shall be filled successively, in the court which shall sit within the possessions of His Britannic Majesty, by the governor or lieutenant-governor resident in that colony; by the principal magistrate of

the cause, and by the secretary; and in that which shall sit within the possessions of His Majesty the King of the *Netherlands*, it is agreed, that in case of the death of the *British* judge or arbitrator there, the surviving individuals of the said court shall proceed equally to the judgment of such ships as may be brought before them, and to the execution of their sentence.

On the part of the *Netherlands*, the vacancies shall be supplied, in the possessions of His Majesty the King of the *Netherlands*, successively by the governor or lieutenant-governor, the principal magistrate and secretary of government; and upon the coast of *Africa*, in case of the death of any *Netherland* judge or arbitrator, the surviving members of the court shall proceed to judgment in the same manner as above specified for the court resident in the possession of His Majesty the King of the *Netherlands*, in the event of the death of the *British* judge or arbitrator.

The High Contracting Parties have further agreed, that the governor or lieutenant-governor of the settlement wherein either of the Mixed Courts shall sit, in the event of a vacancy arising either of the judge or arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the governor or lieutenant-governor of the nearest settlement of such High Contracting Party, in order that the loss may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies that may arise in the above-mentioned courts, from death or any other cause whatever.

*Articles explanatory of and additional to the Treaty concluded at the Hague, May the Fourth, One thousand eight hundred and eighteen, between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, for the Prevention of the Traffic in Slaves. Signed at Bruxelles, December Thirty-first, One thousand eight hundred and twenty-two.*

Articles explanatory to the Treaty with the Netherlands, dated December 31, 1822.

His Majesty the King of the United Kingdom of *Great Britain and Ireland*, and His Majesty the King of the *Netherlands*, having thought fit to agree upon the following arrangements, additional to and explanatory of the Treaty concluded between their aforesaid Majesties at the *Hague*, on the fourth of May, one thousand eight hundred and eighteen, for the prevention of the Trade in Slaves, have therefore named as plenipotentiaries, *ad hoc*:—

His Majesty the King of the United Kingdom of *Great Britain and Ireland*, the Right Honourable *Richard Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench*, of

*Gerbally* in the United Kingdom of Great Britain and Ireland, one of His Majesty's most honourable Privy Council in Great Britain, and also in Ireland, member of the Committee of the First for the Affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the county of Galway, Vice-Admiral of the province of Connaught, Knight Grand Cross of the Most Honourable Order of the Bath, and of the Royal Hanoverian Gaedlic Order, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the Netherlands, Grand Duke of Luxembourg; and His Majesty the King of the Netherlands, *Anne William Charles Baron de Nagell d'Ampon*, member of the Body of Nobles of the Province of Guelderland, Knight Grand Cross of the Order of the Belgic Lion, and of that of Charles the Third, of the Legion of Honour, and of the Royal Hanoverian Gaedlic Order, Chamberlain and Minister of State holding the department of Foreign Affairs; who having exchanged their full powers, found in good and due form, have agreed on the following Explanatory and Additional Articles:

Article I.—Whereas it is stated in Article I of "Instructions intended for the British and Dutch ships of war employed to prevent the illicit Traffic in Slaves," that "ships on board of which no slaves shall be found intended for purposes of traffic shall not be detained on any account or pretence whatever;" And whereas it has been found by experience, that vessels employed in the illegal traffic have unshipped their slaves immediately prior to their being visited by ships of war, and that such vessels have thus found means to evade forfeiture, and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Treaty above mentioned.

The High Contracting Parties therefore feel it necessary to declare, and it is hereby declared by them, that if there shall be clear and undeniable proof that a slave or slaves has or have been put on board a vessel, for the purpose of illegal traffic, in the particular voyage on which the vessel shall be captured, then and on that account, according to the true intent and meaning of the stipulations of the Treaty, such vessel shall be detained by the cruisers, and finally condemned by the commissioners.

Article II.—The High Contracting Parties hereby agree that, in the event of the absence, on account of illness or of any other unavoidable cause, of one or more of the commissioners, judges, and arbitrators, under the above-mentioned Treaty, or in the case of their absence in consequence of leave from their Government, duly notified to the board of commissioners sitting under the said Treaty, their posts shall be supplied in the same manner in which, by the Article IXth of the Regulations for the Mixed Commissions, whose vacancies in the commission are to be supplied which may occur by the death of one or more of the commissioners aforesaid.

The Explanatory and Additional Articles above mentioned shall be submitted to the ratification of the respective Sov-

reigns, and shall have the same force and effect as if they were inserted word for word in the Treaty of the fourth of *May*, one thousand eight hundred and eighteen, above mentioned, and shall be held to form part of the same.

The acts of ratification shall be exchanged within the space of one month from this date, or sooner, if possible.

In witness whereof the respective plenipotentiaries have signed the present Act, and thereunto affixed the seal of their arms.

Done at *Bruxelles*, this thirty-first day of *December* in the year of our Lord one thousand eight hundred and twenty-two.

(*L.S.*) CLANCARTY.  
(*L.S.*) A. W. C. DE NAGELL.

*Further Additional Article to the before-mentioned Treaty.* Further  
Signed at *Bruxelles*, January Twenty-fifth, One thousand  
eight hundred and twenty-three.

Additional Article to  
Treaty with  
the Nether-  
lands.

His Majesty the King of the United Kingdom of *Great Britain and Ireland*, and His Majesty the King of the *Netherlands*, having thought fit to agree upon the following further arrangement, additional to the Treaty concluded between their aforesaid Majesties at the *Hague*, on the fourth of *May* one thousand eight hundred and eighteen, for the prevention of the Trade in Slaves, and also in addition to the two Explanatory and Additional Articles executed by the plenipotentiaries of their said Majesties, on the thirty-first of *December* one thousand eight hundred and twenty-two, have named, authorized, and directed the same plenipotentiaries to sign in their names an agreement, *ad hoc*:

His Majesty the King of the United Kingdom of *Great Britain and Ireland*, the Right Honourable *Richard Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench of Garbally* in the United Kingdom of *Great Britain and Ireland*, one of His Majesty's Most Honourable Privy Council in *Great Britain*, and also in *Ireland*, member of the Committee of the First for the Affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of *Galway*, Vice-Admiral of the Province of *Connaught*, Knight Grand Cross of the Most Honourable Order of the Bath, and of the Royal *Hanoverian Guelphic Order*, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the *Netherlands*, Grand Duke of *Luxembourg*; and His Majesty the King of the *Netherlands*, *Anne William Charles Baron de Nagell d'Ampegn*, Member of the Body of Nobles of the Province of *Gelderland*, Knight Grand Cross of the Order of the *Belgic Lion*, and of that of *Charles the Third*, of the Legion of Honour, and of the Royal *Hanoverian Guelphic Order*, Chamberlain and Minister of State holding the department of Foreign Affairs; who having ex-

changed their full powers, found in good and due form, have agreed upon the following Additional Article:—

*Additional Article.*

And it is hereby further agreed that upon proof being duly given before the Mixed Court, whereupon it shall appear that any ship or vessel subject to examination under the Treaty, or under the Explanatory or Additional Articles, and detained hovering or sailing upon the coast of *Africa* within one geographic degree of the westward thereof, and between the twentieth degree of latitude north of the equinoctial line, and the twentieth degree of latitude to the southward thereof, or at anchor within any of the rivers, bays, or creeks of the said coast within the limits above particularly specified, or at anchor at any part within the said limits, and which ship or vessel in her outfit and equipment shall fall within one or more of the following designations; namely,

First—Having her hatches fitted with open gratings, instead of being close hatches, as usual in merchant vessels.

Second—Having more divisions or bulk-heads in the hold or on deck than necessary for trading vessels.

Third—Having on board spare plank, either actually fitted in that shape, or fit for readily laying a second or moveable deck or slave deck.

Fourth—Having on board shackles, bolts, or handcuffs.

Fifth—Having on board an unreasonable quantity of water in casks or in tanks, more than sufficient for the consumption of her crew as a merchant vessel.

Sixth—Having on board an unreasonable number of water casks or other vessels for holding water, unless the master shall produce a certificate from the custom house, from the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks or other vessels should only be used for the reception of palm oil.

Seventh—Having on board a greater quantity of mess tubs or kids than requisite for the use of her crew as a merchant vessel.

Eighth—Having on board two or more copper boilers, or even one of an unreasonable size, larger than requisite for the use of her crew as a merchant vessel.

Ninth—Having on board an unreasonable quantity of rice or farinha (flower of the manioc of *Brazil* or cassada), or maize or *Indian* corn, beyond any probable requisite provision for the use of her crew; and such rice, flour, maize or *Indian* corn not being entered on the manifest as part of the cargo for trade.

The proof of these, or of any one or more of these several indications, shall be considered as *prima facie* evidence of her actual employment in the Slave Trade, and unless rebutted by satisfactory evidence upon the part of the master or owners, that such ship or vessel was otherwise legally employed at the time

of detention or capture, the ship or vessel shall thereupon be condemned and declared lawful prize.

The aforesaid Additional Article shall be submitted to the ratification of the respective Sovereigns, and shall have the same force and effect as if it was inserted word for word in the Treaty of the fourth of *May* one thousand eight hundred and eighteen above mentioned, and shall be held to form part of the same.

The acts of ratification shall be exchanged within the space of one month from this date, or sooner if possible.

In witness whereof the respective plenipotentiaries have signed the present act, and thereunto affixed the seal of their arms.

Done at *Bruxelles*, the twenty-fifth day of *January*, in the year of our Lord one thousand eight hundred and twenty-three.

(L.S.) CLANCARTY.

(L.S.) A. W. C. DE NAGHLL.

And whereas in and by an Act passed in the fifty-eighth year of His late Majesty *George* the Third, intituled *An Act to carry into Execution a Treaty made between His Majesty and the King of Spain, for preventing Traffic in Slaves*; and by a certain other Act, passed in the said year, intituled *An Act to carry into Execution a Convention made between His Majesty and the King of Portugal, for the preventing Traffic in Slaves*; and also by a certain other Act, passed in the fifty-ninth year of His late Majesty King *George* the Third, intituled *An Act to carry into effect the Treaty with the Netherlands relating to the Slave Trade*; and also by an Act passed in the said fifty-ninth year of His said late Majesty King *George* the Third, intituled *An Act to amend an Act of the last Session of Parliament, for carrying into execution a Convention made between His Majesty and the King of Portugal, for the preventing the Traffic in Slaves*; it is enacted, that it shall be lawful for His Majesty, by any warrant under his royal sign manual, countersigned by one of His Majesty's principal Secretaries of State, to appoint such commissary judges and commissioners of arbitration, judges, and arbitrators, as are in and by the said Treaties and Conventions, and the Regulations thereto annexed, mentioned to be appointed by His Majesty, and from time to time to supply any vacancies which may arise in such offices, by appointing other persons thereto, and to grant salaries to such commissary judges and commissioners of arbitration, judges, and arbitrators as aforesaid, not exceeding such annual sums as the commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain and Ireland* shall from time to time direct; and such commissary judges and commissioners of arbitration, judges, and arbitrators are hereby authorized and empowered to examine and decide all such cases of detention, captures, and seizures of vessels, and their cargoes, as aforesaid, detained, seized, taken, or captured under the said Treaties, Conventions, Instructions, and Regulations, or included therein, as are by the said Treaties, Conventions, Instructions, and Regulations, and by these Acts, made subject to their jurisdiction; and to proceed therein, and give such judgments, and make such orders therein,

The King  
may appoint  
Judges and  
arbitrators.  
and grant  
them  
salaries.  
88 Geo. 3.  
c. 35.  
88 Geo. 3.  
c. 85.  
89 Geo. 3.  
c. 16.  
89 Geo. 3.  
c. 17.

Their Juris-  
diction.

and to do all other acts, matters, and things appertaining thereto, agreeably to the provisions of the said Treaties, Conventions, and the Instructions and Regulations annexed thereto as aforesaid, as fully and effectually to all intents and purposes as if special powers and authorities for that purpose were specifically and particularly inserted and given in relation thereto in these acts: Now be it declared and enacted, That the said provisions, as herein recited, shall continue, remain, and be in full force and effect.

The King  
may appoint  
a secretary to  
the Commissi-  
on Courts,  
and grant  
him a salary.

His authority  
and duty.

Governors of  
Colonies to  
fill up vacan-  
cies in com-  
missions pro  
tempore.

Oath to be  
taken by  
commissary  
judges and  
arbitrators.

LIII. And whereas, in and by the said Acts of the fifty-eighth and fifty-ninth of *George the Third*, it is enacted, that it shall be lawful for His Majesty, by any warrant under his royal sign manual, countersigned by one of His Majesty's principal Secretaries of State for the time being, to nominate and appoint a secretary or registrar to the respective commissions and courts which shall be established in His Majesty's dominions, and from time to time supply, by other appointments, any vacancy which may thereafter occur in such office, and to grant a salary to such secretary or registrar, not exceeding such annual sum as the said Commissioners of His Majesty's Treasury shall from time to time direct; and such secretary or registrar is hereby respectively authorized and empowered to do, perform, and execute all the duties of such office, as set forth and described in the said Treaties, Conventions, Instructions, and Regulations respectively, and to do, perform, and execute all such acts, matters, and things, as may be necessary for the due discharge of the duties of his office, according to the provisions of the said Treaties, Conventions, Instructions, and Regulations as aforesaid: Now be it declared and enacted, That the said provisions, as herein recited, shall continue, remain, and be in full force and effect.

LIV. And be it further enacted, That it shall be lawful for the governor or lieutenant-governor, or principal magistrate of the colony or settlement in which such commission or court shall sit, within the possessions of His *Britannic Majesty*, to fill up every vacancy which shall arise in such commission or court, either of commissary judge, commissioner of arbitration, or any officer thereof appointed by His Majesty as aforesaid, according to the provisions contained in the aforesaid Regulations, annexed to the said Treaties and Conventions as aforesaid, *ad interim*, until such vacancy or vacancies shall be thereafter filled by some person or persons appointed by His Majesty for that purpose.

LV. And be it further enacted, That every commissary judge and commissioner of arbitration appointed by His Majesty, or *ad interim* as aforesaid, shall, before he shall enter upon the execution of any of the duties of such his office, take an oath in the presence of the principal magistrate then residing and acting in the colony, settlement, or place, in which the commission or court shall be appointed to reside; which oath every such magistrate in any colony, settlement, or place belonging to His Majesty, in which such commission or court shall be appointed, is hereby authorized to administer, in the form following; (that is to say,)

"I, A. B., do solemnly swear, that I will, according to the

best of my skill and knowledge, act in the execution of my office faithfully, impartially, fairly, and without preference or favour, either for claimants or captors, or any other persons; and that I will, to the best of my judgment and power, act in pursuance of and according to the stipulations, regulations, and instructions, contained in the Treaty or Convention between His Majesty and His Catholic Majesty, signed at Madrid on the twenty-third day of September, one thousand eight hundred and seventeen [or, in the Treaty between His Majesty and His Most Faithful Majesty, of the twenty-second day of January, one thousand eight hundred and fifteen, and the Additional Convention thereto, signed at London on the twenty-eighth day of July, one thousand eight hundred and seventeen; or, between His Majesty and His Majesty the King of the Netherlands, signed at the Hague on the fourth day of May, one thousand eight hundred and eighteen [as the case may require].

"So help me God."

LVI. And be it further enacted, That every secretary or registrar appointed by His Majesty, or *ad interim* as aforesaid, under the provisions of the said Treaties, Conventions, Instructions, and Regulations, and of this act, shall, before he enters on the duties of his said office, take an oath before the *British* commissary judge as aforesaid, who is hereby empowered to administer the same, in the form following; that is to say,

Oath to be taken by secretary or registrar.

"I, A. B., do solemnly swear, that I will, according to the best of my skill and knowledge, act in the execution of my office, and that I will conduct myself with due respect to the authority of the commissary judges and commissioners of arbitration of the Commission to which I am attached, and will act in fidelity in all the affairs which may belong to my charge, and without preference or favour either for claimants or captors or any other persons.

"So help me God."

LVII. And be it further enacted, That it shall be lawful for the said commissary judges, or for any such secretary or registrar, and they are hereby respectively empowered, to administer oaths to and take the depositions of all parties, witnesses, and other persons, who may come or be brought before them to be examined, or for the purpose of depositing in the course of any proceeding before the said commissary judges and commissioners of arbitration, in the cases in which such commissioners of arbitration shall act with the said commissary judges under the said Treaties, Conventions, Instructions, or Regulations, or this Act; and it shall also be lawful for the said commissary judges and commissioners of arbitration, in the cases aforesaid, to summon before them all persons whom they may deem it necessary or proper to examine, in relation to any suit, proceeding, or matter or thing under their cognizance, and to send for and issue precepts for the producing of all such papers as may relate to the matters in question before them, and to enforce all such summonses, orders, and precepts, by such and the like means, powers, and authorities, as any Court of Vice-Admiralty may do.

Oath and depositions in judicial proceedings to be administered by commissary judges, &c.

LVIII. And be it further enacted, That every person who

Who may summon witnesses and send for papers.

ing false evidence shall be deemed guilty of perjury.

Trial of perjury.

Venue therein.

Pendency of suits arising out of the Spanish and Portuguese Treaties, before the Commissioners, shall be a bar to any other suit.

Mixed Courts under the Netherland Treaty shall be the only tribunal.

shall wilfully and corruptly give false evidence in any examination or deposition or affidavit, had or taken upon or in any proceeding before the said commissary judges or commissioners aforesaid, or in any examination or deposition or affidavit, had or taken before the said secretary or registrar, under the said Treaties, Conventions, Instructions, or Regulations, or this Act, shall be deemed guilty of perjury, and being thereof convicted, shall be subject and liable to all the punishments, pains, and penalties to which persons convicted of wilful and corrupt perjury are liable; and every such person may be tried for any such perjury, either in the place where the offence was committed, or in any colony or settlement of His Majesty near thereto, in which there is a court of competent jurisdiction to try any such offence, or in His Majesty's Court of King's Bench in *England*; and that in case of any prosecution for such offence in His Majesty's said Court of King's Bench, the venue may be laid in the county of *Middlesex*.

LIX. And be it further enacted, That the pendency of any suit or proceeding instituted before the said Commissioners for the condemnation or restitution of any ship or cargo or slaves, taken, seized, or detained by virtue of the said Treaties or Conventions with *Spain* and *Portugal*, or instructions or regulations thereto annexed, or the final adjudication or condemnation, or judgment or determination thereupon, may be pleaded in bar or given in evidence under the general issue, and shall be and be deemed and adjudged in any court whatever to be a good and complete bar in any action, suit, or proceeding, whether brought or instituted by any person or persons for the recovery of any ship, vessel, or cargo, or of any damage for any injury sustained thereby, or by the persons on board the same, in consequence of any capture, seizure, or detention, or act, matter, or thing done under the authority or in pursuance of the provisions of the said Treaties or Conventions, or of the instructions or regulations thereto annexed.

LX. And be it further enacted, That it shall not be lawful for any person to commence, prosecute, or proceed in any claim, action, or suit whatever, in the High Court of Admiralty, or in any other court, or before any judges or persons whomsoever, other than the several mixed courts of justice appointed under and by virtue of the Treaty with the *Netherlands* aforesaid and this Act, for the condemnation or restitution of any ship or cargo or slaves, or for any compensation or indemnification for any loss or damage, or for any injury sustained by such ship, cargo, or slaves, or by any persons on board any such ship, in consequence of any capture, seizure, or detention, under the authority or in pursuance of the provisions of the said Treaty with the *Netherlands*, or of the instructions and regulations thereto annexed, or of this Act; and that the pendency of any claim, suit, or proceeding instituted, or which may be instituted before any of the said Mixed Courts, so to be appointed under the authority of the said Treaty with the *Netherlands*, and this Act, for the condemnation or restitution of any ship or cargo, or slaves, taken, seized

or detained by virtue of the said Treaty with the *Netherlands*, or of the instructions and regulations thereto annexed, or for any compensation or indemnification for any loss or damage, in consequence of the taking, seizing, or detaining any such ship or the final adjudication, condemnation, judgment, or determination of any such Mixed Court, as the case shall require, may be pleaded in bar or given in evidence under the general issue; or in case no such claim, suit, or proceeding shall have been instituted before any such Mixed Court, then the said Treaty, Instructions, and Regulations, and this Act may in like manner be pleaded in bar, or given in evidence under the general issue; and every such plea in bar or evidence so given under the general issue shall be deemed and adjudged to be a good and complete bar to any such claim, action, suit, or proceeding in the said High Court of Admiralty, or in any court or place other than such Mixed Courts.

LXI. Provided always, and be it further enacted, That it shall be lawful for the Lords Commissioners of Appeal in Prize Causes, and for the High Court of Admiralty, in all cases and questions arising out of the said captures that may be depending before them, or that may be brought before them on appeal from any Vice-Admiralty Court, according to their respective jurisdictions (except in such cases as are in and by this Act expressly excepted), to proceed therein, and to hear and determine all questions respecting any right or interest in or to the same, to which His Majesty, or the captors or seizers of such ships, vessels, or cargoes may claim to be entitled by reason of the capture or seizure thereof, and the laws relating thereto, and to enforce their judgments and orders therein by the usual process of the said courts.

LXII. Provided always, and be it further enacted, That in all cases of *Spanish* and *Portuguese* ships captured and proceeded against, and for which indemnification has or may be made, in pursuance of the said Treaties or Conventions aforesaid, and in which the captors or seizers shall not establish any right or interest on their behalf, by reason of the capture thereof, and the laws relating thereto, it shall be lawful for the said court respectively to order and to adjudge the ships, vessels, and cargoes, or the proceeds thereof, and all and every part thereof unto or to which the captors shall not establish any right or interest as aforesaid, to be delivered or paid, to the use of His Majesty, to such person or persons as the said Commissioners of His Majesty's Treasury for the time being shall appoint to receive the same, and to enforce the delivery or the payment thereof by the usual process, as is used and established by law in cases of prize.

LXIII. And whereas several vessels belonging to the sub-Treasury may direct the papers and proceedings respecting vessels and cargoes belonging to the subjects of *Spain*, *Portugal*, and the *Netherlands* respectively, have been captured between the seventeenth day of *February* one thousand eight hundred and fifteen and the period at which the Commissioners appointed in virtue of the before-mentioned Treaties or Conventions have assembled: And whereas the ves-

the subjects of Spain, Portugal, or the Netherlands, condemned in the Vice-Admiralty Court at Sierra Leone, to be transmitted to the registry of the Admiralty Court of England.

Treasury may enforce payment of proceeds, and reward in certain cases.

Captors not entitled to rewards where commissioners for Portuguese claims award indemnification.

Treasury may order the charge of proceedings incurred by captors to be paid out of the proceeds, &c.

sets belonging to the subjects of *Portugal* so captured as aforesaid are, by the Additional Convention with that state, bearing date the twenty-eighth day of *July*, one thousand eight hundred and seventeen, made the subject of special adjudication under the Mixed Commission established in *London*: And whereas, during the period aforesaid certain proceedings have been had and decrees have been made without due authority or jurisdiction in the Vice-Admiralty Court at *Sierra Leone*, in respect of seizures of the vessels and the cargoes belonging to the subjects of *Spain*, *Portugal*, and the *Netherlands*, some or all of them, for alleged contravention of the said Treaties or Conventions: And whereas it is expedient and necessary to make further provisions and regulations respecting all the aforesaid ships and cargoes, and also for the payment of bounties in certain cases for slaves seized and taken on board the said ships; be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Treasury to direct the original papers and proceedings respecting all ships, vessels, and cargoes belonging to any of the subjects of *Spain*, *Portugal*, or the *Netherlands*, condemned in the Vice-Admiralty Court at *Sierra Leone* since the seventeenth day of *February*, one thousand eight hundred and fifteen, to be transmitted to the registry of the High Court of Admiralty of *England*: and further, to direct the proceeds of such ships and cargoes, in whosesoever possession the same may be, to be remitted and paid for the use of His Majesty, in such manner as the said Commissioners of the Treasury may direct and appoint; and further, that it shall be lawful for the said Commissioners of the Treasury to institute proceedings in the said High Court of Admiralty against any person or persons in possession of the said proceeds, for the purpose of obtaining payment of the same, and to enforce the payment thereof by process of the said court, and to reward the captors in all cases where contravention of Treaty has taken place, by granting to them one moiety of the proceeds of every ship and cargo captured as aforesaid; and the remaining moiety of the said proceeds shall be paid to such person or persons as the said commissioners shall direct or appoint to receive the same, for the use of His Majesty.

LXIV. Provided always, and be it further enacted, That the captors shall not be entitled to any such reward, where the Mixed Commission, established in *London* for the adjudication of the claims of *Portuguese* subjects, have awarded or may hereafter award indemnification to be made to the *Portuguese* owners.

LXV. And be it further enacted, That in every seizure of any ship or vessel for being engaged or employed in the illicit Traffic in Slaves, by any of His Majesty's ships or vessels of war, or any ship or vessel duly commissioned by any governor or lieutenant-governor of any of His Majesty's colonies or settlements, in which it shall appear to the satisfaction of the lord high treasurer, or the commissioners of His Majesty's Treasury for the time being, that such seizure has not been wantonly or improperly made, it shall be lawful for the said lord high treas-

ster or commissioners of His Majesty's Treasury, or any three or more of them, to order and direct that all the costs, charges, and expenses which may have been or may be incurred by the person or persons making such seizures, in any proceedings or for any matter or thing relating thereto, or arising out of any such seizure, shall be paid and defrayed out of the proceeds of such capture or seizure, or out of any of the proceeds of the said vessels or cargoes paid or to be paid to the order of the Commissioners of His Majesty's Treasury under the provisions of this Act.

LXVI. And be it further enacted, That wherever ships and cargoes captured by any of His Majesty's ships of war, or by any ship or vessel commissioned by any governor or lieutenant-governor of any of His Majesty's colonies or settlements, have been in fact condemned for illicit trading in slaves, contrary to the Treaties or Conventions made between the Governments of *Spain*, *Portugal*, or the *Netherlands*, and where distribution of the proceeds thereof has been made prior to the tenth day of *July* one thousand eight hundred and twenty-one, the said captors shall be confirmed and are hereby confirmed in the possession of the said proceeds; any law, statute, or usage to the contrary notwithstanding.

Captors of vessels and cargoes condemned for illicit trading in slaves, and the proceeds distributed, shall be confirmed in the possession of the proceeds.

LXVII. And be it further enacted, That where any ship or vessel employed or engaged in illicit Traffic in Slaves, in violation of any of the said Conventions hereinbefore mentioned, shall be seized by any ship or vessel belonging to His Majesty, duly authorized under the provisions of the said Conventions to make such seizure, and shall be afterwards condemned by any of the commissioners appointed in virtue of the Treaties or Conventions aforesaid, there shall be paid to the captors the moiety to which His Majesty is entitled, under the said Treaties or Conventions, of the net proceeds of the said ship and cargo; the mid moiety of the said net proceeds to be distributed in the manner hereinafter directed for the distribution of bounties on slaves taken on board the said vessels.

Captors of vessels shall, after the same are condemned, be entitled to the moiety of the proceeds belonging to His Majesty.

LXVIII. And be it further enacted, That there shall be a bounty of 10*l.* for every slave found on board of vessels seized and condemned.

A bounty of 10*l.* for every slave found on board of vessels seized and condemned.

paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, a bounty of ten pounds of lawful money of Great Britain for every man, woman, and child slave seized and found on board any ship or vessel taken, and by the commissioners appointed in virtue of any of the said Treaties or Conventions condemned for illicit Traffic in Slaves, in violation of any of the provisions of the said Conventions, such bounty to be issued and paid by order from the said commissioners of His Majesty's Treasury, and to be distributed to and amongst the captors aforesaid, in such manner and proportions as His Majesty, his heirs and successors, shall think fit to order and direct, by any order or orders in council, or by any proclamation or proclamations to be made for that purpose.

LXIX. And whereas, besides the Treaties hereinbefore mentioned, a certain other Treaty was concluded with His Royal Highness the Prince Regent of Portugal, on the nineteenth day of October,

Such bounty of 10*l.* shall be paid for every slave

found on board of vessels of Portugal, Spain, and Netherlands, captured within the periods herein mentioned.

of February one thousand eight hundred and ten: And whereas prior to the passing of this Act, and since the conclusion of the said Treaties respectively, divers seizures have been made of ships, cargoes, and slaves on board the said ships, the said ships being engaged in Traffic for Slaves, contrary to the provisions of the said Treaties, some or one of them; be it further enacted, That in all captures of Portuguese vessels, made by any of His Majesty's ships of war, or any ship or vessel duly commissioned by any governor or lieutenant-governor of any of His Majesty's colonies or settlements, between the first day of June one thousand eight hundred and fourteen, and the twenty-eighth day of July one thousand eight hundred and seventeen, which said vessels shall have violated any Treaty or Convention with Portugal, there shall be paid a like bounty of ten pounds for every man, woman, and child slave so seized and taken; and in all captures of vessels belonging to Spain, Portugal, or the Netherlands, captured by any of His Majesty's ships or vessels duly authorized under the provisions of the said Treaties, of the said twenty-eighth day of July one thousand eight hundred and seventeen with Portugal, the said twenty-third day of September one thousand eight hundred and seventeen with Spain, and the said fourth day of May one thousand eight hundred and eighteen with the Netherlands, prior to the passing of this Act, and condemned for contravention of the provisions thereof, there shall be paid a like bounty of ten pounds for every man, woman, and child slave found on board any such vessel, to be distributed to the captors thereof, in the same manner as is by the provisions of this Act hereinbefore directed:

Provided always, that in all cases in which the proceeds of any such capture shall have been distributed among the captors, and allowed to be retained by such captors, under the provisions of this Act, the amount of the moiety of the proceeds shall be deducted from such bounties.

LXX. Provided always, and be it further enacted, That in all cases where any bounty or bounties, or any proceeds, are by virtue of this Act given to any capturing vessel duly commissioned by any governor or lieutenant-governor of any of His Majesty's colonies or settlements, the said proceeds and bounty or bounties shall be distributed in such manner as the commissioners of His Majesty's Treasury shall be pleased to direct or appoint.

Parties claiming benefit under this Act may resort to the Court of Admiralty.

LXXI. Provided also, and be it further enacted, That any party or parties claiming any benefit, by way of bounty or share of the proceeds, for the seizure of any Spanish, Portuguese, or Netherland vessels, for violation of Treaty or Convention, shall and may resort to the High Court of Admiralty for the purpose of obtaining the judgment of the said court in that behalf; and that it shall and may be lawful for the judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any question of joint capture which may arise upon any seizure of slaves, and enforce any decree or sentence of any of the Mixed Commission Courts established or to be established

in pursuance of Treaties or Conventions with foreign Powers, and the decrees or sentences of the Vice-Admiralty Court relating to any seizure under this Act.

LXXII. And be it further enacted, That where any slaves, or persons treated, dealt with, carried, kept, or detained as slaves, have been, prior to the passing of this Act, or shall be hereafter taken as prize of war, or trading contrary to the provisions of the Treaties with foreign Powers, or as liable to forfeiture for any offence committed against this Act, but who shall not have been condemned, or shall not have been delivered over in consequence of death, sickness, or other inevitable circumstance, it shall and may be lawful for the said commissioners of His Majesty's Treasury, if to their discretion it shall seem meet, by warrant, signed by any three or more of them, to direct the payment, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, of one moiety of the bounty which would have been due in each case respectively if the said slaves had been delivered over.

Where slaves taken as prize shall not have been condemned, or shall not have been delivered over, the Treasury may allow one moiety of the bounty.

LXXXIII. And be it further enacted, That when any seizure shall be made or prosecution instituted as or for the violation of any of the provisions of this Act, and judgment shall be given against the seizer or prosecutor, or such seizure shall be relinquished by him, it shall be lawful for the said Lords Commissioners of His Majesty's Treasury, if to their discretion it shall seem meet, by warrant, signed by any three or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, of such costs, damages, and expenses as the said seizer or prosecutor may be liable to pay in respect of such seizure, or any proportionate part thereof.

Where judgment shall be given against the seizer, or the seizure shall be relinquished, the Treasury may direct payment of the costs and damages.

LXXIV. And be it further enacted, That it shall and may be lawful for the Lords Commissioners of His Majesty's Treasury, if to their discretion it shall seem meet, by warrant, signed by three or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, of any sums of money awarded by the Mixed Commission Courts to be due on account of any unlawful seizure or detention by any of His Majesty's authorized cruizers: Provided always, that nothing herein contained shall exempt the seizer from his liability to make good the payments so made, when lawfully called upon by order of the said commissioners.

LXXV. And be it further enacted, That the registrars of the several Vice-Admiralty Courts, and also the commissary judges and commissioners of arbitration of the several Mixed Commission Courts respectively, shall, on the first day of January and first day of July in every year, transmit to the said Lords Commissioners of His Majesty's Treasury a list or return of all cases which shall have been adjudged in the said courts respectively under this Act, during the six months preceding, together with the names of the seizers, and the dates of the seizures and sentences respectively, together with an account of the state of the property, according to the Schedule marked (A.) to this Act annexed.

Registrars of Vice-Admiralty Courts, &c., to transmit to the Treasury a return of all cases adjudged in the said courts for the preceding six months, with state of the property according to Schedule (A.)

Forfeitures to His Majesty to be paid over as he shall direct.

Regulations to which prize agents are liable shall be extended to bounties and proceeds to be distributed under this Act.

In all actions commenced under this Act, defendant may plead the general issue.

Treble costs.

Nothing in this Act contained relating to the said Treaties, &c. shall extend to alter any other part of this Act.

Nothing in this Act contained shall extend to alter any of the said Treaties, &c.

Act may be altered this Session.

LXXVI. And be it further enacted, That all sums of money accruing to His Majesty from or on account of any forfeiture, penalty, or condemnation under this Act, shall be paid over to such person or persons as His Majesty, his heirs, and successors, may please to appoint, for the use of His Majesty, his heirs and successors.

LXXVII. And be it further enacted, That all the provisions, rules, regulations, forfeitures and penalties respecting the delivery by prize agents of accounts for examination, and the distribution of prize money, and the accounting for and paying over the proceeds of prize and the per-cent age due thereon to Greenwich Hospital, shall be and are hereby extended to all bounties and proceeds to be distributed under the provisions of this Act to the officers and crews of any of His Majesty's ships or vessels of war, whether the said bounty and proceeds shall be paid to prize agents, or to any other persons authorized to receive the same for the use and benefit of the officers and crews of any of His Majesty's ships or vessels of war.

LXXVIII. And be it further enacted, That if any action or suit shall be commenced, either in Great Britain or elsewhere, against any person or persons, for anything done in pursuance of the said Treaties, Conventions, or the instructions or regulations thereto annexed, or of this Act, in as far as it relates thereto, the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of the said Treaties, Conventions, Instructions, or Regulations, or of this Act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

LXXIX. And also that nothing in this Act contained in relation to the said Treaties, Conventions, Regulations, or Instructions aforesaid, shall extend or be deemed or construed in anywise to alter, suspend, affect, relax, or repeal any of the clauses, penalties, forfeitures, or punishments contained in enacted in any other part of this Act, but that all such clauses, regulations, penalties, forfeitures, and punishments therein contained, shall remain in full force and virtue.

LXXX. And be it further enacted, That nothing in the other parts of this Act contained shall extend or be deemed or construed in anywise to alter, suspend, affect, relax or repeal any of the clauses, penalties, forfeitures, or punishments contained, enacted, or confirmed in that part of this Act which relates to the said Treaties, Conventions, Regulations, or Instructions aforesaid.

LXXXI. And be it further enacted, That this Act may be repealed, altered, or amended during this present session Parliament.

LXXXII. And be it further enacted, That this Act shall commence and have effect from and after the first day of *January*, in the year of our Lord one thousand eight hundred and twenty-five.

Commencement of this  
Act.

*Schedule (A) referred to by this Act.*

Date of Sentence.	Property Seized.	Sesser.	Date of Sentence.	Decretal Part of Sentence, whether Forfeiture or Restitution.	Whether Property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the Proceeds remain.

6 & 7 VICTORIA, c. XCIII.

*An Act for the more effectual Suppression of the Slave Trade.* [24th August, 1843.]

5 Geo. IV.  
c. 113.

WHEREAS an Act was passed in the fifth year of the reign of King George the Fourth, intituled, *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, whereby it is enacted (among other things) that it shall not be lawful (except in such special cases as are hereinafter mentioned) for any persons to deal or trade in, purchase, sell, barter, or transfer, or to contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves or persons intended to be dealt with as slaves; or to carry away or remove, or to contract for the carrying away or removing of slaves or other persons as or in order to their being dealt with as slaves; or to import or bring, or to contract for the importing or bringing, into any place whatsoever, slaves or other persons as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons for the purpose of their being carried away or removed as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board, of any ship, vessel, or boat, slaves or other persons for the purpose of their being imported or brought into any place whatsoever as or in order to their being dealt with as slaves; or to fit out, man, navigate, equip, despatch, use, employ, let, or take to freight or on hire, or to contract for the fitting out, manning, navigating, equipping, despatching, using, employing, letting, or taking to freight or on hire, any, ship, vessel, or boat, in order to accomplish any of the objects or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or to lend or advance, or become security for the loan or advance, or to contract for the lending or advancing, or becoming security for the loan or advance of money, goods, or effects employed or to be employed in accomplishing any of the objects or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or to become guarantee or security, or to contract for the becoming guarantee or security, for agents employed or to be employed in accomplishing any of the objects or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or in any other manner to engage or to contract, engage, directly or indirectly, therein as a partner, agent, or otherwise; or to ship, tranship, lade, receive, or put on board or to contract for the shipping, transshipping, lading, receiving, or putting on board of any ship, vessel, or boat, money, goods, or effects, to be employed in accomplishing any of the objects or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful;

jects or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or to take the charge or command, or to navigate or enter and embark on board, or to contract for the taking the charge or command or for the navigating or entering and embarking on board, of any ship, vessel, or boat, as captain, master, mate, petty officer, surgeon, supercargo, seaman, marine, or servant, or in any other capacity, knowing, that such ship, vessel, or boat is actually employed, or is in the same voyage, or upon the same occasion, in respect of which they shall so take the charge or command, or navigate or enter and embark, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; or to insure or to contract for the insuring of any slaves, or any property, or other subject matter engaged or employed, or intended to be engaged or employed in accomplishing any of the objects or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful; and whereas it is expedient that from and after the commencement of this Act the provisions of the said Act hereinbefore recited shall be deemed to apply to, and extend to render unlawful, and to prohibit the several acts, matters, and things herein mentioned when committed by *British* subjects in foreign countries and settlements not belonging to the *British* Crown, in like manner and to all intents and purposes as if the same were done or committed by such persons within the *British* dominions, colonies, or settlements; and it is expedient that further provisions should be made for the more effectual suppression of the Slave Trade, and of certain practices tending to promote and encourage it: be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all the provisions of the said consolidated Slave Trade Act hereinbefore recited and of this present The recited  
Act and this  
Act shall  
apply to all  
*British* sub-  
jects where-  
ever residing.

II. And be it declared and enacted, That all persons holden in servitude as pledges for debt, and commonly called "Pawns," or by whatsoever other name they may be called or known, shall, for the purposes of the said consolidated Slave Trade Act, and of an Act passed in the third and fourth years of the reign

3 & 4 W. 4.  
c. 73.  
of King William the Fourth, intituled, *An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves*, and of this present Act, be deemed and construed to be slaves or persons intended to be dealt with as slaves.

Trial of offenders  
against the  
revised Act  
and this Act.

3 G. 4, c. 31.

Evidence  
may be taken  
abroad, and  
transmitted  
to the Court  
of Queen's  
Bench.

13 G. 3, c. 63.

III. And whereas it is expedient to make further provision for the trial and punishment of offenders; be it enacted, That all offences against the consolidated Slave Trade Act, or against this present Act, which shall be committed by British subjects out of this United Kingdom, whether within the dominions of the British Crown or in any foreign country, or by foreigners within the British dominions, except in places where the British admiral has jurisdiction, may be taken cognizance of, inquired into, tried, and determined, according to the provisions of an Act passed in the ninth year of King George the Fourth, intituled, *An Act for consolidating and amending the Statutes in England relative to Offences against the Person*.

IV. And whereas the provisions heretofore made for the hearing and determining in *England* of offences committed against the Acts for the Abolition of the Slave Trade in places out of this United Kingdom have been found ineffectual, by reason of the difficulty of proving in this kingdom matters and things done elsewhere; be it enacted, That in all cases of indictment or information laid or exhibited in the Court of Queen's Bench for misdemeanors or offences committed against the said Acts or against this present Act in any places out of the United Kingdom, and within any British colony, settlement, plantation, or territory, it shall and may be lawful for Her Majesty's said court, upon motion to be made on behalf of the prosecutor or defendant, to award a writ or writs of mandamus, requiring the chief justice or other chief judicial officer in such colony, settlement, plantation, or territory, who are hereby respectively authorized and required accordingly to hold a court, with all convenient speed, for the examination of witnesses and receiving other proofs concerning the matters charged in such indictments or informations respectively, and in the meantime to cause public notice to be given of the holding of such courts, and summonses to be issued for the attendances of witnesses and of agents and counsel of the parties; and such examination as aforesaid shall be then and there openly and publicly taken in the said court *viva voce*, upon the respective oaths of the persons examined, and be reduced to writing, and be sent to Her Majesty in Her Court of Queen's Bench, (in manner set forth and prescribed in an Act passed in the thirteenth year of George the Third, chapter sixty-three, intituled, *An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe;*) and such depositions, being duly taken and returned according to the true intent and meaning of this Act, shall be allowed and read, and shall be deemed as good and competent evidence as if such witnesses had been present and sworn, and examined *viva voce*: any trial for such misdemeanors and offences as aforesaid, i

Her Majesty's said Court of Queen's Bench, any law or usage to the contrary thereof notwithstanding.

V. Provided always, and be it enacted, That in all the cases In cases not prohibited hereby slaves may be sold or transferred. in which the holding or taking of slaves shall not be prohibited by this or any other Act of Parliament, it shall be lawful to sell or transfer such slaves, anything in this or any other Act contained notwithstanding.

VI. Provided always, and it be enacted, That nothing in this Act contained shall be taken to subject to any forfeiture, punishment, or penalty, any person for transferring or receiving any share in any joint stock company established before the passing of this Act, in respect of any slave or slaves in the possession of such company before such time, or for selling any slave or slaves which were lawfully in his possession at the time of passing this Act, or which such person shall or may have become possessed of or entitled unto *bond fide* prior to such sale, by inheritance, devise, bequest, marriage, or otherwise by operation of law.

VII. And be it enacted, That this Act shall be deemed and taken to be in force and to have effect from and after the first day of November, in the year one thousand eight hundred and forty-three, and not before.

#### APPENDIX TO SECTION FOURTH.

*Form of Order to act under the 2nd and 3rd Victoria,  
cap. 73.*

##### ORDER.

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

WHEREAS an Act of Parliament was passed in the second and third year of the reign of Her Majesty, by which it was enacted that it should be lawful for persons in Her Majesty's service, under the authority of the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, to detain, seize, and capture vessels engaged in the Slave Trade, not being justly entitled to the protection of the flag of any state or nation ; and whereas we think fit that you should be authorized to act under that statute,—

We furnish you with a copy of the said statute of the second and third Victoria, cap. 73, and also with a copy of the statute of the fifth and sixth Victoria, cap. 114, passed with reference to the first-named statute, and you are hereby expressly authorized, empowered, and ordered to act in the suppression of the Traffic in Slaves, according to the said statutes, in regard to such vessels as are hereinabove described ; but you

are to bear in mind that such part of the statute of the second and third Victoria, cap. 73, as applies to Portuguese vessels, has been repealed by the statute of the fifth and sixth Victoria, cap. 114.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

To  
*Commander of Her Majesty's ship*

By command of their Lordships,  
SIDNEY HERBERT.

2 & 3 VICTORIA, c. LXXIII.

*An Act for the Suppression of the Slave Trade. [24th August, 1839.]*

WHEREAS it is expedient that persons employed under the authority of Her Majesty in the detention and seizure of vessels engaged in the Slave Trade should be indemnified against the consequences of vexatious suits and actions with which they may be harassed: And whereas it is also expedient that power should be given to the High Court of Admiralty and to Courts of Vice-Admiralty to adjudicate upon vessels and their cargoes captured for having been engaged in the Slave Trade, and also upon slaves taken on board thereof: And whereas it is further expedient to extend the provisions of certain Acts of Parliament which empower Her Majesty to grant bounties for the capture of vessels engaged in the Slave Trade: And whereas Her Majesty has been pleased to issue orders to Her cruisers to capture Portuguese vessels engaged in the Slave Trade, and other vessels engaged in the Slave Trade not being justly entitled to claim the protection of the flag of any state or nation: May it therefore please your Majesty that it may be enacted; and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall be lawful for any person or persons in Her Majesty's service, under any order or authority of the Lord High Admiral or of the Commissioners for executing the office of Lord High Admiral of Great Britain, or of any one of Her Majesty's Secretaries of State, to detain, seize, and capture any such vessels, and the Slaves, if any, found therein, and to bring the same to adjudication in the High Court of Admiralty of England, or in any Vice-Admiralty Court within Her Majesty's dominions, in the same way as if such vessels and the cargoes thereof were the property of British subjects: and all persons concerned in or advising the giving of, or giving or issuing, any such order or authority, or acting under or in pursuance thereof, or carrying the same into execution, shall be and

Authorizing the seizure of certain vessels engaged in the Slave Trade, and indemnifying persons acting under orders given for that purpose.

they are hereby indemnified: Provided always, that no such Court shall proceed to condemn any vessel, not being *British* or *Portuguese*, the owners or master whereof shall establish to the satisfaction of such court that they are entitled to claim the protection of the flag of a state other than *Great Britain* or *Portugal*.

II. And be it enacted, That no action, suit, writ, or proceeding whatever shall be maintained or maintainable in any Court in the United Kingdom, or in any of Her Majesty's dominions, colonies, or settlements out of the United Kingdom, against any person acting under such order or authority, for or on account of being concerned in any search, detention, seizure, capture, or condemnation of any vessel which shall have been found with slaves on board, or equipped for the Slave Trade, or in the arrest or detention of any person found on board such vessel, or for or on account of the cargo thereof, or any act, matter, or thing done in relation to such search, detention, seizure, capture, condemnation, or arrest.

III. And be it enacted, That it shall be lawful for the High Court of Admiralty of *England*, and for all Courts of Vice-Admiralty in any colonies or dominions of Her Majesty beyond the seas, to take cognizance of and try any such *Portuguese* vessel, which shall be detained or captured either to the north or to the south of the equator, under any such order or authority, and any vessel which shall not establish to the satisfaction of such court that she is justly entitled to claim the protection of the flag of any state or nation, and to condemn any such vessel, and adjudge as to the slaves found therein, in like manner, and under such and the like rules and regulations, as are contained in any Act or Acts of Parliament in force in relation to the suppression of the Slave Trade by British-owned ships, as fully and effectually, to all intents and purposes, as if all the powers, authorities, and provisions contained in such Acts were repeated and re-enacted in this Act as to such High Court of Admiralty or Courts of Vice-Admiralty.

IV. And be it enacted, That every such vessel shall be subject to seizure, detention, and condemnation, under any such order or authority, if in the equipment of such vessel there shall be found any of the things hereinafter mentioned; namely,

First—Hatches with open gratings, instead of the close hatches which are usual in merchant vessels:

Secondly—Divisions or bulkheads in the hold or on deck more numerous than are necessary for vessels engaged in lawful trade:

Thirdly—Spare plank fitted for being laid down as a second or slave-deck:

Fourthly—Shackles, bolts, or handcuffs:

Fifthly—A larger quantity of water in casks or in tanks than is requisite for the consumption of the crew of the vessel as a merchant vessel:

Sixthly—An extraordinary number of water casks, or of other vessels for holding liquid, unless the master shall

Actions  
against per-  
sons for seiz-  
ing vessels  
engaged in  
the Slave  
Trade not to  
be main-  
tained.

For trial of  
vessels en-  
gaged in the  
Slave Trade.

Circumstan-  
ces under  
which vessels  
are to be  
liable to  
seizure.

produce a certificate from the custom house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel, that such extra quantity of casks or of other vessels should only be used for the reception of palm oil, or for other purposes of lawful commerce:

Seventhly—A greater quantity of mess tubs or kids than are requisite for the use of the crew of the vessel as a merchant vessel:

Eighthly—A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel as a merchant vessel, or more than one boiler of the ordinary size:

Ninthly—An extraordinary quantity either of rice or of the flour of *Brazil*, manioc, or cassada, commonly called farinha, of maize or of *Indian* corn, or of any other article of food whatever, beyond what might probably be requisite for the use of the crew; such rice, flour, maize, *Indian* corn, or other article of food not being entered on the manifest as part of the cargo for trade:

Tenthly—A quantity of mats or matting larger than is necessary for the use of the crew of the vessel as a merchant vessel:

Any one or more of these several circumstances, if proved, shall be considered as *prima facie* evidence of the actual employment of the vessel in the transport of negroes or others, for the purpose of consigning them to slavery, and the vessel and cargo shall thereupon be condemned to the Crown, unless it be established by satisfactory evidence on the part of the master or owners, that such vessel was, at the time of her detention or capture, employed on some legal pursuit, and that such of the several things above enumerated as were found on board of such vessel at the time of her detention, or had been put on board on the voyage on which, when captured, such vessel was proceeding, were needed for legal purposes on that particular voyage.

V. And be it enacted, That any ship or vessel which shall be condemned under any such order or authority as aforesaid may be taken into Her Majesty's service, upon payment of such sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper price for the same, or, if not so taken, shall be broken up and be entirely demolished, and the materials thereof shall be publicly sold in separate parts.

VI. And be it enacted, That the several enactments set forth in an Act passed in the fifth year of His late Majesty King George the Fourth, intituled, *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*; and also in an Act of first of King William the Fourth, chapter fifty-five, intituled, *An Act to reduce the Rate of Bounties payable upon the Seizure of Slaves*; and also in an Act of the first and second of Her present Majesty, chapter forty-seven, intituled, *An Act for the better and more effectually carrying into effect the Treaties and Conventions made with Foreign Powers for suppressing the Slave Trade*; relative to persons giving false evidence being guilty of

Vessels condemned to be sold for Her Majesty's service or broken up.

Extending provisions of 5 G. 4, c. 113; 11 G. 4 & 1 W. 4, c. 55, and 1 & 2 Vict. c. 47, to vessels seized under this Act.

perjury; to maintaining and providing for captured slaves pending adjudication; to condemning slaves as forfeiture to the Crown; to the manner of disposing of the slaves subsequent to adjudication; to rewarding the captors with a bounty on the vessel as well as on the slaves; to authorizing the commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, to order payment of one moiety of the bounty, where slaves may not have been condemned or delivered over in consequence of death, sickness, or other inevitable circumstance; to the mode of obtaining such bounties; to authorizing the High Court of Admiralty to determine as to doubtful claims of bounty, and also on any question of joint capture; and to enforcing any decree or sentence of any Vice-Admiralty Court, shall be applied, *mutatis mutandis*, to seizures of vessels under this Act, in like manner, form, and effect as if all the said matters and things, and all the said powers, and penalties, provisions, enactments, and clauses, were repeated and set forth, *mutatis mutandis*, in this Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present session of Parliament. Act may be altered this Session.

## 5 &amp; 6 VICTORIA, C. CXIV.

*An Act to repeal so much of an Act of the Second and Third Years of Her present Majesty, for the Suppression of the Slave Trade, as relates to Portuguese Vessels.*  
[12th August, 1842.]

WHEREAS in the third year of the reign of Her Majesty an <sup>2 & 3 Vict.</sup> <sub>c. 73.</sub> Act was passed, intituled, *An Act for the Suppression of the Slave Trade*: And whereas it is expedient and proper that so much of the said Act as relates to *Portuguese* vessels should be repealed: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that so much of the said Act of the third year of the reign of Her Majesty as relates to *Portuguese* vessels shall be repealed, and so much accordingly is hereby repealed, save and except in respect to such *Portuguese* vessels as may have been or shall be seized or captured under the provisions of the said Act before this present Act shall have passed into a law, and the seizer or captor shall have had notice thereof.

II. And be it enacted, That due means of giving to all persons whom it may concern notice of the fact that this Act has passed into a law shall be taken as speedily as possible by the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral of *Great Britain*, and by Her Majesty's Secretaries of State, or by persons under their authority.

Notice of the passing of this Act to be given by the Admiralty and other proper authority.

LIMITING THE  
DURATION OF  
THE RECITED  
ACT.

III. And be it enacted, That the said Act of the third year of the reign of Her Majesty shall in nowise continue in force and effect in respect to Portuguese vessels seized and detained on and after the first day of December, in the year one thousand eight hundred and forty-two, at the *Cape of Good Hope* and at *Cape Horn*, and at all places lying eastward of *Cape Horn* and westward of the *Cape of Good Hope*, or in respect to any Portuguese vessel seized and detained on and after the first day of February, which shall be in the year one thousand eight hundred and forty-three, at any other place whatever.

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#### APPENDIX TO SECTION SIXTH.

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#### *Treaty between Her Majesty and the United States of America. Signed at Washington, August 9, 1842.*

##### EXTRACT FROM PREAMBLE.

WHEREAS, by the Treaty concluded at Ghent on the 24th day of December, 1814, between His Britannic Majesty and the United States, an Article was agreed to and inserted, of the following tenor, viz.: "Art. X. Whereas the Traffic in Slaves is irreconcileable with the principles of humanity and justice; and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition; it is hereby agreed, that both the Contracting Parties shall use their best endeavours to accomplish so desirable an object:"—and whereas, notwithstanding the laws which have at various times been passed by the two Governments, and the efforts made to suppress it, that criminal traffic is still prosecuted and carried on: and whereas Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, are determined that, so far as may be in their power, it shall be effectually abolished.

ARTICLE VIII.—The Parties mutually stipulate, that each shall prepare, equip, and maintain in service on the Coast of Africa, a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce, separately and respectively, the laws, rights and obligations of each of the two countries for the suppression of the Slave Trade: the said squadrons to be independent of each other, but the two Governments stipulating nevertheless to give such orders to the officers commanding their respective forces, as shall enable them most effectually to act in concert and co-operation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this Article; copies of all such orders to be communicated by each Government to the other respectively.

## APPENDIX TO SECTION SEVENTH.

*Draft of Engagement with the Chiefs of Africa.*

\_\_\_\_\_ of Her Majesty's ship \_\_\_\_\_ on the part of Her Majesty the Queen of England and the chiefs of \_\_\_\_\_ and of the neighbourhood, on the part of themselves and of their country, have agreed upon the following articles and conditions :—

**ARTICLE I.**—The export of slaves to foreign countries is for ever abolished in the territories of the chiefs of \_\_\_\_\_ ; and the chiefs of \_\_\_\_\_ engage to make and proclaim a law prohibiting any of their subjects, or any person within their jurisdiction, from selling or assisting in the sale of any slave for transportation to a foreign country ; and the chiefs of \_\_\_\_\_ promise to inflict a severe punishment on any person who shall break this law.

**ARTICLE II.**—No European, or other person whatever, shall be permitted to reside within the territory of the chiefs of \_\_\_\_\_ for the purpose of carrying on in any way the Traffic in Slaves ; and no houses, or stores, or buildings of any kind whatever, shall be erected for the purpose of Slave Trade, within the territory of the chiefs of \_\_\_\_\_.

**ARTICLE III.**—If at any time it shall appear that Slave Trade has been carried on through or from the territory of the chiefs of \_\_\_\_\_, the Slave Trade may be put down by Great Britain by force upon that territory, and British officers may seize the boats of \_\_\_\_\_ found anywhere carrying on the Slave Trade ; and the chiefs of \_\_\_\_\_ will subject themselves to a severe act of displeasure on the part of the Queen of England.

**ARTICLE IV.**—The subjects of the Queen of England may always trade freely with the people of \_\_\_\_\_ in every article they may wish to buy and sell, in all the places and ports and rivers within the territories of the chiefs of \_\_\_\_\_ and throughout the whole of their dominions ; and the chiefs of \_\_\_\_\_ pledge themselves to show no favour, and give no privilege to the ships and traders of other countries, which they do not show to those of England.

**ADDITIONAL ARTICLE I.**—The slaves now held for exportation shall be delivered up to \_\_\_\_\_ for the purpose of being <sup>For continu-</sup> <sub>gent cases.</sub> carried to a British colony, and there liberated : and all the implements of Slave Trade, and the barracoons, or buildings exclusively used in the Slave Trade, shall be forthwith destroyed.

**ADDITIONAL ARTICLE II.**—Europeans or other persons now engaged in the Slave Trade, are to be expelled the country ; the <sup>For continu-</sup> <sub>gent cases.</sub> houses, stores, or buildings hitherto employed as slave factories, if not converted to lawful purposes within three months of the conclusion of this Engagement, are to be destroyed.

## APPENDIX TO SECTION EIGHTH.

## I. NETHERLANDS.

SPECIAL ORDER.

*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS a Treaty between Great Britain and the Netherlands for the Abolition of the Slave Trade, was signed at the Hague on the 4th of May, 1818; and Instructions for Cruizers, marked A, and Regulations for Mixed Courts of Justice, marked B, were annexed thereto, and declared to form an integral part thereof; and the ratifications of the same were exchanged on the 25th of May, 1818: and whereas the High Contracting Parties mutually agreed thereby, that twelve ships of their Royal Navies, respectively furnished with the Instructions contained in Annex A to the Treaty, might search and send in for trial, vessels suspected of the illegal Traffic in Slaves: and whereas we think fit that Her Majesty's ship under your command should be one of those authorized to act under the Treaty,—

We furnish you with a copy of the said Treaty and of its Annexes, marked A and B; and you are hereby expressly authorized, empowered, and ordered, to act in the suppression of the Traffic in Slaves according to the said Treaty.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To  
*Commander of Her Majesty's ship*

By command of their Lordships,  
SIDNEY HERBERT.

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*Treaty between His Britannic Majesty and His Majesty the King of the Netherlands, for preventing their Subjects from engaging in any Traffic in Slaves. Signed at the Hague, May 4th, 1818.*

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In the name of the Most Holy Trinity.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, animated with a mutual desire to adopt the most effectual measures for putting a stop to

the carrying on of the Slave Trade by their respective subjects, and for preventing their respective flags from being made use of as a protection to this nefarious traffic, by the people of other countries who may engage therein; their said Majesties have accordingly resolved to proceed to the arrangement of a Convention for the attainment of their objects, and have therefore named as Plenipotentiaries, *ad hoc*,—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard, Earl of Clancarty, Viscount Duley, Baron Kilconnel, Baron Trench of Garbally, in the United Kingdom of Great Britain and Ireland, one of His Majesty's Most Honourable Privy Council in Great Britain and also in Ireland, Member of the Committee of the First for the affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of Galway, Knight Grand Cross of the Most Honourable Order of the Bath, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the Netherlands, Grand Duke of Luxemburg; and His Majesty the King of the Netherlands, Anne William Charles, Baron de Nagell d'Ampsen, Member of the Body of Nobles of the Province of Guelderland, Knight Grand Cross of the Order of the Belgic Lion and of that of Charles the Third, Chamberlain and Minister of State holding the department of Foreign Affairs; and Cornelius Felix van Maanen, Commander of the Order of the Belgic Lion, and Minister of State holding the department of Justice: who, having exchanged their full powers, found in good and due form, have agreed on the following Articles:—

**ARTICLE I.** The laws of the United Kingdom of Great Britain and Ireland rendering it already highly penal for the subjects of His Britannic Majesty to carry on, or to be in any way engaged in Trade in Slaves, His Majesty the King of the Netherlands, referring to the 8th Article of the Convention entered into with His Britannic Majesty on the 13th August, 1814, engages in pursuance thereof, and within eight months from the ratification of these presents, or sooner, if possible, to prohibit all his subjects, in the most effectual manner, and especially by penal law the most formal, to take any part whatever in the Trade of Slaves; and in the event of the measures already taken by the British Government, and to be taken by that of the Netherlands, being found ineffectual or insufficient, the High Contracting Parties mutually engage to adopt such further measures, whether by legal provision or otherwise, as may from time to time appear to be best calculated in the most effectual manner, to prevent all their respective subjects from taking any share whatever in this nefarious traffic.

**ARTICLE II.** The two High Contracting Parties, for the more complete attainment of the object of preventing all Traffic in Slaves, on the part of their respective subjects, mutually consent that the ships of their Royal Navies, which shall be provided with Special Instructions for this purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of having Slaves on board for an illicit traffic; and in the event only of their finding such Slaves on board, may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified.

**ARTICLE III.** In the intention of explaining the mode of execution of the preceding Article, it is agreed,—

1st. That such reciprocal right of visit and detention shall not be exercised within the Mediterranean Sea, or within the seas in Europe lying without the Straits of Gibraltar, and which lie to the northward of the thirty-seventh parallel of North latitude, and also within and to the eastward of the meridian of longitude twenty degrees West of Greenwich.

2nd. That the names of the several vessels furnished with such instructions, the force of each, and the names of their several Commanders, shall be, from time to time, immediately upon their issue, communicated by the Power issuing the same to the other High Contracting Party.

3rd. That the number of ships of each of the Royal Navies authorized to make such visit as aforesaid, shall not exceed the number of twelve, belonging to either of the High Contracting Parties, without the special consent of the other High Contracting Party being first had and obtained.

4th. That if at any time it should be deemed expedient that any ship of the Royal Navy of either of the two High Contracting Parties authorized to make such visit as aforesaid, should proceed to visit any merchant ship or ships under the flag, and proceeding under the convoy of any vessel or vessels of the Royal Navy of the other High Contracting Party, that the Commanding Officer of the ship duly authorized and instructed to make such visit, shall proceed to effect the same in communication with the Commanding Officer of the convoy, who, it is hereby agreed, shall give every facility to such visit, and to the eventual detainer of the merchant-ship or ships so visited, and in all things assist, to the utmost of his power, in the due execution of the present Convention, according to the true intent and meaning thereof.

5th. It is further mutually agreed, that the Commanders of the ships of the two Royal Navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall receive for this purpose.

**ARTICLE IV.** As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government whose cruiser shall have been guilty of the arbitrary detention; and that the visit and detention of ships specified in this Article shall only be effected by those British or Netherland vessels which may form part of the two Royal Navies, and by those only of such vessels which are provided with the Special Instructions annexed to the present Treaty, in pursuance of the provisions thereof.

**ARTICLE V.** No British or Netherland cruiser shall detain any ship whatever not having Slaves actually on board; and in order to render lawful the detention of any ship, whether British or Netherland, the Slaves found on board such vessel must have been brought there for the express purpose of the traffic.

**ARTICLE VI.** All ships of the Royal Navies of the two nations,

which shall hereafter be destined to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy of the Instructions annexed to the present Treaty, and which shall be considered as an integral part thereof.

These Instructions shall be written in the Dutch and English languages, and signed for the vessels of each of the two Powers, by the minister of their respective marine.

The two High Contracting Parties reserve the faculty of altering the said Instructions, in whole or in part, according to circumstances; it being, however, well understood, that the said alterations cannot take place but by the common agreement, and by the consent of the two High Contracting Parties.

**ARTICLE VII.** In order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in a Traffic of Slaves, according to the tenor of the Fifth Article of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present Treaty, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns.

These Courts shall reside—one in a possession belonging to His Britannic Majesty, the other within the territories of His Majesty the King of the Netherlands; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own dominions, in what places the Courts shall respectively reside. Each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Court held within its own dominions; provided, however, that one of the two Courts shall always be held upon the coast of Africa, and the other in one of the colonial possessions of His Majesty the King of the Netherlands.

These Courts shall judge the causes submitted to them according to the terms of the present Treaty, without appeal, and according to the Regulations and Instructions annexed to the present Treaty, of which they shall be considered as an integral part.

**ARTICLE VIII.** In case the Commanding Officer of any of the ships of the Royal Navies of Great Britain, and of the Netherlands, commissioned under the Second Article of this Treaty, shall deviate in any respect from the dispositions of the said Treaty, and shall not be enabled to justify himself, either by the tenor of the said Treaty, or of the Instructions annexed to it, the Government which shall conceive itself to be wronged by such conduct, shall be entitled to demand reparation; and in such case, the Government to which the captor may belong, binds itself to cause enquiry to be made into the subject of the complaint, and to inflict upon the captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

**ARTICLE IX.** The acts or instruments annexed to this Treaty, and which form an integral part thereof, are as follows:—

*A. Instructions for the ships of the Royal Navies of both nations, destined to prevent the Traffic in Slaves.*

**B.** Regulations for the Mixed Courts of Justice, which are to hold their sittings on the coast of Africa, and in one of the colonial possessions of His Majesty the King of the Netherlands.

**ARTICLE X.** The present Treaty, consisting of ten Articles, shall be ratified, and the ratifications exchanged within the space of one month from this date, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and thereunto affixed the seal of their arms.

Done at the Hague, this fourth of May, in the year of our Lord one thousand eight hundred and eighteen.

(Signed)	CLANCARTY.	(L.S.)
	A. W. C. DE NAGELL.	(L.S.)
	VAN MAANEN.	(L.S.)

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#### ANNEXES.

*Instructions for the Ships of the British and Netherland Royal Navies, employed to prevent the Traffic in Slaves.*

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**ARTICLE I.** Every ship of the Royal British or Netherland Navy, which, furnished with these Instructions, shall in conformity with the Second Article of the Treaty of this date, have a right to visit the merchant-ships of either of the two Powers actually engaged, or suspected to be engaged in the Slave Trade, may, except in the cases exempted by the Third Article of the said Treaty, proceed to such visit; and should any Slaves be found on board, brought there for the express purposes of the traffic, the commander of the said ship of the Royal Navy may detain them, and having detained them, he is to bring them as soon as possible for judgment, before that of the two Mixed Courts of Justice, appointed by the Seventh Article of the Treaty of this date, which shall be the nearest, or which the commander of the capturing ship shall, upon his own responsibility, think he can soonest reach from the spot where the ship shall have been detained.

Ships, on board of which no Slaves shall be found intended for purposes of traffic, shall not be detained on any account or pretence whatever.

Negro servants or sailors that may be found on board the said vessels cannot in any case be deemed a sufficient cause for detention.

**ARTICLE II.** Whenever a ship of the Royal Navies so commissioned, shall meet a merchantman liable to be searched, it shall be done in the mildest manner, and with every attention which is due between allied and friendly nations; and in no case shall the search be made by an Officer holding a rank inferior to that of Lieutenant in the Navies of Great Britain and of the Netherlands.

**ARTICLE III.** The ships of the Royal Navies so commissioned, which may detain any merchant ship, in pursuance of the tenor of the present Instructions, shall leave on board all the cargo, as well as the

master, and a part at least of the crew of the above-mentioned ship : the captor shall draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it. He shall deliver to the master of the detained ship, a signed certificate of the papers seized on board the said vessel, as well as of the number of Slaves found on board at the moment of detention.

The Negroes shall not be disembarked till after the vessels which contain them shall be arrived at the place where the legality of the capture is to be tried by one of the two Mixed Courts, in order that, in the event of their not being adjudged legal prize, the loss of the proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the voyage, the state of health of the Negroes, or other causes, required that they should be disembarked entirely or in part, before the vessel could arrive at the place of residence of one of the said Courts, the commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate in proper form.

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*Regulations for the Mixed Courts of Justice, which are to reside on the Coast of Africa, and in a Colonial Possession of His Majesty the King of the Netherlands.*

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**ARTICLE I.** The Mixed Courts of Justice, to be established by the Treaty of this date, upon the coast of Africa and in a colonial possession of His Majesty the King of the Netherlands, are appointed to decide upon the legality of the detention of such vessels as the cruisers of both nations shall detain in pursuance of this same Treaty.

The above-mentioned Courts shall judge definitively and without appeal, according to the present Treaty.

The proceeding shall take place as summarily as possible : the Courts are required to decide (as far as they shall find it practicable), within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside,—First, upon the legality of the capture ;—Secondly, in the cases in which the captured vessel shall have been liberated, as to the indemnification which the said vessel is to receive.

And it is hereby provided, that in all cases the final sentence shall not be delayed on account of the absence of witnesses, or for want of other proofs, beyond the period of two months, except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge-themselves with the expense and risks of the delay, the Courts may at their discretion grant an additional delay not exceeding four months.

**ARTICLE II.** Each of the above-mentioned Mixed Courts, which are to reside on the coast of Africa, and in a colonial possession of His Majesty the King of the Netherlands, shall be composed in the following manner :—

The two High Contracting Parties shall each of them name a Judge and an Arbitrator, who shall be authorized to hear and to decide without appeal all cases of capture of vessels which, in pursuance of the stipulations of the Treaty of this date, shall be brought before them. All the essential parts of the proceedings carried on before these Mixed Courts shall be written down in the legal language of the country in which the Court may reside.

The Judges and the Arbitrators shall make oath before the principal Magistrate of the place in which the Courts may reside, to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act in all their decisions, in pursuance of the stipulations of the Treaty of this date.

There shall be attached to each Court a Secretary or Registrar, appointed by the Sovereign of the country in which the Court may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath before the Court to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.

#### ARTICLE III. The form of the process shall be as follows:—

The Judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessels, and to receive the depositions of the captain, and of two or three at least of the principal individuals on board of the detained vessel, as well as the declaration on oath of the captor, should it appear necessary, in order to be able to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the present Treaty, and in order that according to this judgment it may be condemned or liberated. And, in the event of the two Judges not agreeing in the sentence they ought to pronounce, whether as to the legality of the detention, or the indemnification to be allowed, or any other question which might result from the stipulations of the present Treaty, they shall draw by lot the name of one of the two Arbitrators, who, after having considered the documents of the process, shall consult with the above-mentioned Judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned Judges and of the above-mentioned Arbitrator.

ARTICLE IV. In the authenticated declaration which the captor shall make before the Court, as well as in the certificate of the papers seized, which shall be delivered to the captain of the captured vessel at the time of the detention, the above-mentioned captor shall be bound to declare his name, the name of his vessel, as well as the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found on board of the ship at the time of the detention.

ARTICLE V. As soon as sentence shall have been pronounced, the detained vessel, if liberated, and the cargo, in the state in which it shall then be found, shall be restored to the master, or the person who represents him, who may, before the same Court, claim a valuation of the damages which they may have a right to demand: the captor himself, and, in his default, his Government, shall remain responsible for the above-mentioned damages.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be granted by the above-named Court, it being understood that these costs and damages shall be at the expense of the Power of which the captor shall be a subject.

**ARTICLE VI.** In the case of the condemnation of a vessel, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the Slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale, for the profit of the two Governments; and as to the Slaves, they shall receive from the Mixed Court a certificate of emancipation, and shall be delivered over to the Government on whose territory the Court which shall have so judged them, shall be established, to be employed as servants or free labourers.

Each of the two Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

**ARTICLE VII.** The Mixed Courts shall also take cognizance and decide according to the Third Article of this Regulation, on all claims for compensation, on account of losses occasioned to vessels detained under suspicion of having been engaged in the Slave Trade, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution shall be decreed, the Court shall award to the claimant or claimants, his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention; that is to say, first, in case of total loss, the claimant or claimants shall be indemnified,—

a. For the ship, her tackle, apparel, and stores.

b. For all freights due and payable.

c. For the value of the cargo of merchandize, if any; deducting for all charges and expenses payable upon the sale of such cargoes, including commission of sale.

d. For all other regular charges, in such cases of total loss; and,

Secondly, in all other cases not of total loss, the claimant or claimants shall be indemnified,—

a. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable.

b. A demurrage when due, according to the Schedule annexed to the present Article.

c. For any deterioration of cargo.

d. An allowance of five per cent. on the amount of the capital employed in the purchase of cargo, for the period of delay occasioned by the detention; and,

e. For all premium of insurance on additional risks.

The claimant or claimants shall in all cases be entitled to interest, at the rate of five per cent. per annum on the sum awarded, until paid by the Government to which the capturing ship belongs, the whole amount of such indemnifications being calculated in the money of the

country to which the captured ship belongs, and to be liquidated at the exchange current at the time of the award.

The two High Contracting Parties wishing, however, to avoid, as much as possible, every species of fraud in the execution of the Treaty of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the Judges of the two nations, and without having recourse to the decision of an Arbitrator, that the captor has been led into error by a voluntary and reprehensible fault on the part of the captain of the detained ship; in that case only, the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article.

*Schedule of demurrage or daily allowance for a vessel of*

100 tons to 120 inclusive,	£5	per diem,
121 do. 150	do. 6	
151 do. 170	do. 8	
171 do. 200	do. 10	
201 do. 220	do. 11	
221 do. 250	do. 12	
251 do. 270	do. 14	
271 do. 300	do. 15	

and so on in proportion.

**ARTICLE VIII.** Neither the Judges nor the Arbitrators, nor the Secretary of the Mixed Court, shall be permitted to demand, or receive from any of the parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present Regulation.

**ARTICLE IX.** The two High Contracting Parties have agreed that, in the event of the death or legal impeachment of one or more of the Judges or Arbitrators composing the above-mentioned Mixed Courts, their posts shall be supplied, *ad interim*, in the following manner:—

On the part of the British Government, the vacancies shall be filled successively in the Court which shall sit within the possessions of His Britannic Majesty, by the Governor or Lieutenant-Governor resident in that Colony, by the principal Magistrate of the same, and by the Secretary; and in that which shall sit within the possessions of His Majesty the King of the Netherlands, it is agreed that, in case of the death of the British Judge or Arbitrator there, the surviving individuals of the said Court shall proceed equally to the judgment of such ships as may be brought before them, and to the execution of their sentence.

On the part of the Netherlands, the vacancies shall be supplied, in the possessions of His Majesty the King of the Netherlands, successively by the Governor or Lieutenant-Governor, the principal Magistrate, and Secretary of Government; and upon the coast of Africa, in case of the death of any Netherland Judge or Arbitrator, the surviving members of the Court shall proceed to judgment in the same manner as above specified for the Court resident in the possession of His Majesty the King of the Netherlands, in the event of the death of the British Judge or Arbitrator.

The High Contracting Parties have further agreed, that the Governor or Lieutenant-Governor of the settlement, wherein either of the Mixed Courts shall sit, in the event of a vacancy arising, either of the Judge or Arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the Governor or Lieutenant-Governor of the nearest settlement of such High Contracting Party, in order that the loss may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies that may arise in the above-mentioned Courts, from death or any other cause whatever.

*Traité entre Sa Majesté Britannique et Sa Majesté le Roi des Pays Bas, afin d'empêcher tout Commerce d'Esclaves de la part de leurs Sujets respectifs. Signé à La Haye, le 4 Mai, 1818.*

Au nom de la Très Sainte Trinité.

Sa Majesté le Roi des Pays Bas, et Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, animées d'un désir mutuel d'adopter les mesures les plus efficaces pour empêcher le Commerce des Esclaves par leurs sujets, et prévenir que d'autres nations qui s'y trouvent engagées ne se servent de leurs pavillons respectifs pour protéger cet odieux trafic; leurs dites Majestés ont résolu de procéder à la conclusion d'un Traité pour atteindre ce double but, et ont nommé à cette fin leurs Plénipotentiaires, *ad hoc*, savoir:

Sa Majesté le Roi des Pays Bas, le Sieur Anne Willem Carel, Baron de Nagell d'Ampsen, Membre du Corps des Nobles de la Province de Gueldre, Grand-Croix des Ordres du Lion Belge et de Charles III, son Chambellan et Ministre d'Etat ayant le département des Affaires Etrangères; et le Sieur Cornelis Felix van Maanen, Commandeur de l'Ordre du Lion Belge, son Ministre d'Etat ayant le département de la Justice; et Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Richard, Comte de Clancarty, Vicomte Dunlo, Baron Kilconnel, Baron Trench de Garbally, du Royaume Uni de la Grande Bretagne et de l'Irlande, Conseiller en son Conseil Privé de la Grande Bretagne et de l'Irlande, Membre du Comité du Premier pour les affaires de Commerce et des Colonies, Colonel du Régiment de Milice du Comté de Galway, Chevalier Grand-Croix du Très Honorable Ordre du Bain, son Ambassadeur Extraordinaire et Plénipotentiaire auprès de Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg: lesquels, après avoir échangé leurs pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:

ARTICLE I. Les lois du Royaume Uni de la Grande Bretagne et de l'Irlande assujettissant déjà à de très graves peines, les sujets de Sa Majesté Britannique qui font la Traite des Nègres ou qui y seront concernés d'une manière quelconque, Sa Majesté le Roi des Pays Bas, se référant à l'Article VIII de la Convention conclue avec Sa Majesté

Britannique, le 13 Août, 1814, s'engage en conséquence à défendre dans le terme de huit mois après la ratification des présentes, ou plus tôt si faire se pourra, à tous ses sujets, de la manière la plus efficace, et spécialement par les lois pénales les plus formelles, de prendre aucune part quelconque à la Traite des Nègres; au cas que les mesures répressives contre la Traite des Nègres, déjà prises par le Gouvernement de la Grande Bretagne, et à prendre par celui des Pays Bas, fussent trouvées inefficaces ou insuffisantes, les Hautes Parties Contractantes s'engagent à y pourvoir par de nouvelles mesures législatives ou réglementaires les plus propres à atteindre le but qu'elles se proposent par le présent Traité.

**ARTICLE II.** Afin d'atteindre plus complètement le but de prévenir tout Commerce d'Esclaves de la part de leurs sujets respectifs, les deux Hautes Parties Contractantes consentent mutuellement à ce que les vaisseaux de leurs Marines Royales qui seront munis d'Instructions Spéciales à cet effet, telles qu'on les trouve mentionnées ci-après, pourront visiter tels navires marchands des deux nations, qui, sur des présomptions raisonnables, seraient suspects d'avoir des Esclaves à bord, destinés pour un commerce illicite, et dans le cas seulement qu'ils trouveraient de pareils Esclaves à bord, ils pourront arrêter et amener les navires, afin d'être mis en jugement par devant les tribunaux établis pour cet objet, ainsi qu'il sera spécifié plus bas.

**ARTICLE III.** Afin d'expliquer le mode d'exécution de l'Article précédent, il est convenu,—

1°. Que ce droit réciproque de visitation et d'arrestation ne saurait être exercé dans la Mer Méditerranée, ni dans les mers Européennes situées hors du Détrict de Gibraltar au nord de la 37<sup>me</sup> parallèle de latitude Septentrionale et à l'est du méridien de longitude au 20<sup>me</sup> degré à l'Ouest de Greenwich.

2°. Que les noms des différens vaisseaux munis de pareilles instructions, leurs forces respectives, et les noms des Commandans, seront communiqués de tems en tems et à mesure de la délivrance d'icelles, par la Puissance qui en fait l'expédition à l'autre Haute Partie Contractante.

3°. Que le nombre des vaisseaux de chacune des Marines Royales autorisés à exécuter la visitation susdite, ne pourra excéder le nombre de douze, appartenant à chacune des Hautes Parties Contractantes, sans le consentement exprès de l'autre Puissance, préalablement obtenu.

4°. Pour le cas où il serait jugé nécessaire qu'un vaisseau de la Marine Royale de l'une ou de l'autre des deux Hautes Parties Contractantes, à ce autorisé, procédat à visiter un ou plusieurs navires marchands sous le pavillon, et sous le convoi d'un ou de plusieurs vaisseaux de la Marine Royale de l'autre Haute Partie Contractante, l'Officier Commandant du vaisseau dûment autorisé et commissionné à faire pareille visitation, y procédera conjointement avec l'Officier qui commande le convoi, lequel accordera toute facilité à pareille visite et la détention éventuelle des navires marchands ainsi visités et contribuera de tout son pouvoir à l'exécution de la présente Convention, conformément à son intention et son motif.

5°. Il est aussi convenu, que les Commandans des vaisseaux des deux Marines Royales qui seront employés à ce service devront s'en-

tenir strictement à l'exacte teneur des instructions qu'ils recevront à cet effet.

**ARTICLE IV.** Les deux Articles précédens étant entièrement réciproques, les deux Hautes Parties Contractantes s'engagent mutuellement à indemniser leurs sujets respectifs de toutes les pertes qu'ils pourront essuyer injustement par la détention illégale et arbitraire de leurs vaisseaux ; il est entendu que cette indemnisation sera invariablement à la charge du Gouvernement dont les croiseurs se seront rendus coupables de la détention arbitraire, et que la visitation et la détention des navires désignés dans ces Articles ne sauraient être effectuées que par ceux d'entre les vaisseaux des Pays Bas et Britanniques, qui, non seulement font partie des deux Marines Royales, mais qui seront munis des Instructions Spéciales annexées au présent Traité et en se conformant aux dispositions d'icelles.

**ARTICLE V.** Nul croiseur des Pays Bas ou Britannique ne pourra détenir un navire quelconque, s'il n'a pas actuellement des Esclaves à bord ; et afin de rendre légale la détention d'un bâtiment, soit des Pays Bas ou Britannique, les Esclaves trouvés à bord d'un pareil navire doivent y avoir été conduits dans le dessein exprès d'en faire trafic.

**ARTICLE VI.** Les vaisseaux de la Marine Royale des deux nations, qui par la suite seront destinés à prévenir le Commerce des Esclaves, seront munis par leur Gouvernement respectif d'une copie des Instructions annexées au présent Traité et duquel elles seront considérées comme faisant partie intégrante.

Ces Instructions seront en Hollandais et en Anglais, et signées pour les vaisseaux de chacune des deux Puissances, par les ministres de leur marine respective.

Les deux Hautes Parties Contractantes se réservent la faculté d'altérer les dites Instructions, soit en tout, soit en partie, d'après les circonstances. Bien entendu cependant, que les dites altérations ne pourront se faire que d'un accord mutuel et du consentement des deux Parties Contractantes.

**ARTICLE VII.** Afin d'amener en jugement avec le moins de délai et d'inconvénients les navires qui seront détenus pour être engagés dans le Commerce des Esclaves, aux termes de l'Article V du présent Traité, il sera établi, dans l'espace d'un an au plus tard, à dater de l'échange des ratifications du présent Traité, deux Cours de Justice Mixtes, composées d'un nombre égal d'individus des deux nations nommés à cet effet par leurs Souverains respectifs.

Ces Cours résideront, l'une dans une possession appartenant à Sa Majesté le Roi des Pays Bas, et l'autre sur le territoire de Sa Majesté Britannique ; les deux Gouvernemens, à l'époque de l'échange des ratifications du présent Traité, déclareront, chacun pour ses propres domaines, en quels endroits les Cours résideront. Chacune des deux Hautes Parties Contractantes se réservant de changer, selon que bon lui semblera, le lieu de la résidence de la Cour établie dans ses propres domaines. Pourvu néanmoins que l'une des deux Cours soit toujours tenue dans une des possessions coloniales de Sa Majesté le Roi des Pays Bas et l'autre sur la côte d'Afrique.

Ces Cours jugeront sans appel les causes qui leur seront soumises aux termes du présent Traité, et conformément aux Règlemens et

Instructions y annexés, duquel ils seront considérés comme partie intégrante.

**ARTICLE VIII.** Dans le cas où les Officiers Commandans des vaisseaux des Marines Royales des Pays Bas et Britannique commissionnés aux termes de l'Article Second, s'écarteraient des dispositions du présent Traité de quelque manière que ce fut, et qu'ils ne seraient pas en état de se justifier, soit par la teneur du Traité même, soit par celle des Instructions y annexées, le Gouvernement que se croira léssé par une telle conduite aura droit de demander réparation, et en tel cas le Gouvernement au quel les dits Officiers Commandans appartiendront, s'oblige à faire instituer des enquêtes au sujet de la plainte, et à infliger, lorsqu'elle serait trouvée fondée, une punition proportionnée à la transgression commise.

**ARTICLE IX.** Les actes ou instrumens annexés au présent Traité, et qui en forment partie intégrante, sont les suivans :—

*A.* Les Instructions pour les vaisseaux des Marines Royales des deux nations, destinées à prévenir le Commerce des Esclaves.

*B.* Les Réglements pour les Cours de Justice Mixtes, qui siégeront dans une des possessions coloniales de Sa Majesté le Roi des Pays Bas et sur la côte d'Afrique.

**ARTICLE X.** Le présent Traité, consistant en dix Articles, sera ratifié, et les ratifications échangées dans l'espace d'un mois, ou plus tôt, si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé et y ont apposé le cachet de leurs armes.

Fait à La Haye, le quatre Mai, de l'an de Grace mil huit cent dix-huit.

(Signé)	CLANCARTY.	(L.S.)
	A. W. C. DE NAGELL.	(L.S.)
	VAN MAANEN.	(L.S.)

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#### ANNEXES.

*Instructions pour les Vaisseaux des Marines Royales des Pays Bas et de la Grande Bretagne, employés à prévenir le Trafic d'Esclaves.*

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**ARTICLE I.** Tout vaisseau des Marines Royales des Pays Bas ou Britannique qui, muni des présentes Instructions, aura, en conformité de l'Article Second du Traité de ce jour, le droit de visiter les navires marchands de chacune des deux Puissances actuellement engagés, ou suspects d'être engagés dans le Commerce des Esclaves, y pourra procéder hormis dans les mers exceptées par l'Article Trois du dit Traité, et s'il se trouvent des Esclaves à bord dans le dessein exprès d'en faire le trafic, le Commandant du dit vaisseau de la Marine Royale aura le pouvoir de les détenir, et en cas de détention d'un navire, il le conduira afin d'être mis en jugement aussitôt que possible, devant celle des deux

Cours établies par l'Article Sept du Traité de ce jour, qui se trouvera la plus proche, ou que lui, Commandant du vaisseau capteur, jugera, sous sa responsabilité personnelle, pouvoir le plus tôt atteindre à partir du point sur lequel le navire marchand aura été visité et détenu.

Les navires à bord des quels on ne trouvera point d'Esclaves destinés à des objets de commerce, ne seront détenus sous aucune raison ou prétexte quelconque.

Des domestiques ou matelots Nègres trouvés à bord des dits navires ne pourront en aucun cas être estimés une cause suffisante de détention.

**ARTICLE II.** Toutes les fois qu'un vaisseau des Marines Royales, à ce commissionné, rencontrera un navire marchand, sujet à la visite, celle-ci se fera de la manière la plus honnête et avec toutes les attentions que se doivent réciproquement deux nations amies et alliées; en aucun cas la recherche ne pourra être faite par un Officier d'un grade inférieur à celui de Lieutenant de la Marine des Pays Bas et de la Grande Bretagne.

**ARTICLE III.** Les vaisseaux des Marines Royales ainsi commissionnés, qui viendront à détenir un navire marchand, d'après la teneur des présentes Instructions, laisseront à bord la cargaison entière, sans y toucher, aussi bien que le patron et au moins une partie de l'équipage du dit navire.

Le Capitaine capteur couchera par écrit une déclaration authentique, qui articulera l'état dans lequel il a trouvé le navire détenu et les changemens qui pourront y être survenus.

Il délivrera au patron du navire détenu un certificat signé, des papiers saisis à bord du dit navire, aussi bien que du nombre d'Esclaves trouvés à son bord au moment de la détention.

Les Nègres ne seront point débarqués avant que les navires qui les contiennent ne soient arrivés au lieu où la légalité de la capture doit être jugée par une des Cours Mixtes, à l'effet que dans le cas où ils ne seraient point adjugées prises légales, la partie des propriétaires puisse d'autant plus aisément être réparée.

Si néanmoins des motifs urgents, tirés de la longueur du voyage, de l'état sanitaire des Nègres, ou d'autres causes, requéraient qu'ils fussent débarqués en totalité ou en partie, avant que le navire pût arriver au lieu de la résidence de l'une des dites Cours, le Commandant du vaisseau capteur peut prendre sur soi la responsabilité d'un semblable débarquement, pourvu que la nécessité en soit constatée par un certificat en due forme.

*Règlements pour les Cours de Justice Mixtes qui résideront dans une des Possessions Coloniales de Sa Majesté le Roi des Pays Bas et sur la Côte d'Afrique.*

**ARTICLE I.** Les Cours de Justice Mixtes à établir d'après le Traité de ce jour dans une des possessions coloniales de Sa Majesté le Roi des Pays Bas, et sur la côte d'Afrique, sont constituées à l'effet de

décider de la légalité de la détention des navires que les trois cours des deux nations viendront à arrêter, en vertu du dit Traité.

Les Cours sus-mentionnées décideront définitivement et sans appel conformément aux stipulations du Traité.

La procédure aura lieu aussi sommairement que possible, et les Cours sont réunies de prononcer (pour autant qu'elles le trouveront praticable) dans l'espace de vingt jours, à dater de celui auquel le navire détenu aura été conduit dans les ports où les Cours résident. Elles jugeront en premier lieu de la légalité de la capture, et en second lieu (dans le cas où le navire capturé viendra à être absous), de l'indemnisation à donner au navire capturé.

Et il est statué par les présentes, que dans tous les cas, la sentence définitive ne pourra être différée pour cause d'absence des témoins, ou par défaut d'autres preuves, au-delà du terme de deux mois, à moins que ce ne soit à la demande d'une des parties intéressées, en quel cas et moyennant qu'elles fournissent sûreté suffisante qu'elles se chargeront elles-mêmes des frais et risques du délai, les Cours auront le pouvoir discrétionnaire d'accorder un délai additionnel, qui n'excédera pas quatre mois.

**ARTICLE II.** Chacune des Cours Mixtes susmentionnées qui résideront dans une des possessions coloniales de Sa Majesté le Roi des Pays Bas et sur la côte d'Afrique, sera composée de la manière suivante:

Les deux Hautes Parties Contractantes nommeront chacune un Juge et un Arbitre, qui seront autorisés à prendre connaissance et à décider sans appel de tous les cas de capture de navire, qui, en suite des stipulations du Traité de ce jour, viendront à être portés devant eux.

Toutes les parties essentielles des procédures portées par devant les dites Cours Mixtes seront couchées par écrit dans la langue légale du pays où les Cours résideront.

Les Juges et les Arbitres prêteront serment ès-mains du principal Magistrat de l'endroit où les Cours résideront, de juger loyalement et fidèlement, de n'accorder aucune préférence, soit aux réclamans soit aux capteurs, et de se conduire dans toutes leurs décisions, conformément aux stipulations du Traité de ce jour.

A chaque Cour sera attaché un Secrétaire ou Greffier établi par le Souverain du pays où la Commission résidera, lequel enregistrera tous les actes de celle-ci, et qui, avant de prendre possession de sa charge, prêtera serment par devant la Cour, de se conduire respectueusement à son égard et d'en agir avec fidélité dans toutes les affaires du ressort de sa charge.

**ARTICLE III.** La manière de procéder sera comme suit:

Les Juges des deux nations procéderont en premier lieu, à l'examen des papiers du navire, et à recevoir les dépositions du capitaine et de deux ou trois des principaux individus au moins du navire amené, aussi bien que la déclaration assermentée du capteur, si elle paraissait nécessaire; afin d'être en état de juger et de prononcer si le navire a été détenu justement ou non conformément aux stipulations du Traité, et afin, qu'en vertu de ce jugement, le navire puisse être condamné ou absous. Et dans le cas où les deux Juges ne s'accorderaient pas sur la sentence à prononcer par eux, soit quant à la légalité de la détention, soit quant à l'indemnisation à allouer, ou sur toute autre question qui

pourrait résulter des stipulations du Traité, ils tireront au sort le nom de l'un des deux Arbitres, lequel, après avoir examiné les documens du procès, délibérera avec les Juges susmentionnés, sur le cas existant, et la sentence finale sera prononcée conformément à l'opinion de la majorité des Juges et de l'Arbitre susmentionné.

**ARTICLE IV.** Dans les déclarations authentiques que le capteur sera tenu de faire par devant la Cour, ainsi que dans le certificat des papiers saisis, qui sera délivré au Capitaine du navire capturé, lors de sa détention, le susdit capteur sera tenu de déclarer son nom et celui de son vaisseau, aussi bien que la latitude et la longitude de l'endroit où la détention a eu lieu, et le nombre des Esclaves trouvé à bord du navire capturé au moment de sa détention.

**ARTICLE V.** Aussitôt après que la sentence aura été prononcée, la navire détenu, s'il est libéré, et sa cargaison dans l'état où elle se trouvera alors, seront restitués au patron, ou à celui qui le représente, lequel pourra réclamer par devant la même Cour, une évaluation des dommages qu'il pourrait avoir droit de demander : le capteur lui-même, et à son défaut, son Gouvernement restera responsable des dits dommages.

Les deux Hautes Parties Contractantes s'obligent à payer dans l'espace d'une année après la date de la sentence, les frais et dommages qui pourront être accordés par la Cour susnommée ; il est entendu que ces frais et dommages tomberont à la charge de la Puissance dont le capteur sera sujet.

**ARTICLE VI.** En cas de condamnation d'un navire, il sera déclaré prise légitime, aussi bien que sa charge, de quelque description qu'elle puisse être, à l'exception des Esclaves qui pourront être à bord comme objets de commerce ; et le dit navire, aussi bien sa charge, sera vendu en vente publique au profit des deux Gouvernemens ; et quant aux Esclaves, ils recevront de la Cour Mixte un certificat d'émancipation, et seront remis au Gouvernement sur le territoire duquel la Cour qui aura jugé sera établie, aux fins d'être employés comme domestiques ou travailleurs libres.

Chacun des deux Gouvernemens s'oblige à la garantie de la liberté de telle portion de ces individus qui viendra à y être respectivement consignée.

**ARTICLE VII.** Les Cours Mixtes connaîtront et jugeront également et en la forme voulue par l'Article Trois du présent Réglement de toute réclamation pour compensation de pertes occasionnées à des navires détenus sur soupçon de faire le Commerce des Esclaves, mais non condamnés comme prises légales par les dites Cours. Dans tous les cas où la restitution aura été prononcée, les Cours adjugeront au profit du ou des réclamans, ou leurs ayant-causes légaux, une indemnisation juste et complète de tous les frais de procédure et de toutes les pertes et dommages que le ou les réclamans pourraient avoir éprouvés par telle capture et détention : Les Cours observeront,—

1°. Qu'en cas de perte totale le ou les réclamans seront indemnisés,—

a. Pour le navire, ses agrets, apparaux, et munitions.

b. Pour tout frêt dû et à payer.

c. Pour la valeur de la cargaison et des marchandises, s'il y en a,

déduction faite des charges et dépenses payables pour la vente de pareilles cargaisons, y compris la commission de vente.

*a.* Pour toutes autres charges unitées en cas de perte totale; et

*b.* Que dans tous les autres cas de perte, non totale, le ou les réclamans seront indemnisés,—

*a.* De tout dommage et dépens particuliers, occasionnés au navires par la perte de frêt dû ou à payer.

*b.* Pour statie l'indemnisation due de chef sera réglée d'après la Cédule annexée au présent Article.

*c.* De toute détérioration de la cargaison.

*d.* Il leur sera alloué également cinq pour cent du montant du capital employé à l'achat de la cargaison pour tout le tems du délai occasionné par la détention; et

*e.* Un dédommagement pour toute prime d'assurance sur les risques additionnels.

Dans tous les cas le ou les réclamans auront de plus droit aux intérêts sur le pied de cinq pour cent par an, de la somme adjugée, jusqu'à son paiement par le Gouvernement auquel le vaisseau capteur appartient; le montant entier de cette indemnisation sera calculé en monnaie du pays au quel le navire capturé appartient, à liquider d'après le cours du change à l'époque de l'adjudgement.

Les deux Hautes Parties Contractantes désirant toutefois éviter, autant que possible, tout espèce de fraude dans l'exécution du Traité de ce jour, sont convenues, que s'il venait à être prouvé d'une manière évidente et à la conviction des Juges des deux nations, et sans avoir recours à la décision d'un Arbitre, que le capteur a été induit en erreur par une faute volontaire et répréhensible de la part du capitaine du navire capturé; en ce cas seulement, le dit navire n'aura pas droit à recevoir pendant la durée des jours de sa détention, la statie stipulée par le présent Article.

*Cédule de statie ou jour de planche pour un navire de*

100 tonneaux jusqu'à 120 inclusivement, £5

121	do.	150	do.	6	par jour,
151	do.	170	do.	8	
171	do.	200	do.	10	
201	do.	220	do.	11	
221	do.	250	do.	12	
251	do.	270	do.	14	
271	do.	300	do.	15	

et ainsi de suite en proportion.

ARTICLE VIII. Il ne sera licite, ni aux Juges, ni aux Arbitres, ni au Secrétaire des Cours Mixtes de demander ou de recevoir d'aucune des parties concernées dans les sentences qu'ils prononceront, aucun émolument, sous quelque prétexte que ce puisse être, pour l'accomplissement des devoirs qui leur sont imposés par le présent Réglement.

ARTICLE IX. Les deux Hautes Parties Contractantes sont convenues qu'en cas de décès ou d'empêchement légal, d'un ou de plusieurs des Juges ou des Arbitres composant les Cours Mixtes susmentionnées, leurs postes seront remplis, *ad interim*, de la manière suivante:—

Dans la Cour qui siégera dans les possessions de Sa Majesté le Roi

des Pays Bas, les places vacantes qui dépendent de Sa dite Majesté seront desservies successivement par le Gouverneur ou Vice-Gouverneur, par le principal Magistrat et Secrétaire d'icelles.

Quant à la Cour séant dans les possessions de Sa Majesté Britannique sur la côte d'Afrique, il est convenu qu'en cas de décès ou empêchement légal du Juge ou Arbitre des Pays Bas en cet endroit, les individus survivans de la Cour procéderont au jugement des navires qui pourraient être traduits par devant eux et à la mise à exécution de leur sentence.

Les places vacantes de la Cour qui sera établie sur la côte d'Afrique, et qui dépendent de Sa Majesté Britannique, seront desservies par le Gouverneur ou Vice-Gouverneur ou Vice-Gouverneur, par le Magistrat principal et le Secrétaire du Gouvernement; en cas de décès ou d'empêchement légal d'un Juge ou Arbitre Britannique appartenant à la Cour établie dans une colonie des Pays Bas, les individus survivans se régleront d'après ce qui a été déterminé ci-dessus pour la Cour séant dans les possessions de Sa Majesté Britannique, en cas de décès ou empêchement légal d'un Juge ou Arbitre des Pays Bas.

Les Hautes Parties Contractantes sont convenues également que le Gouverneur ou Vice-Gouverneur des colonies où se tiendront les séances des Cours Mixtes, en cas de vacature d'une place de Juge ou Arbitre de l'autre Haute Partie Contractante, préviendra sans délai le Gouverneur ou Vice-Gouverneur de la colonie la plus voisine, appartenant à la dite Haute Partie Contractante, afin que l'on puisse y suppléer au plus tôt; et chacune des Puissances Contractantes s'engage à remplir définitivement aussitôt que possible les vacatures qui pourraient subvenir dans les Cours, soit par décès ou par autres causes quelconques.

*Articles Explanatory of, and Additional to, the Treaty concluded at The Hague, May 4, 1818, between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, for the prevention of the Traffic in Slaves. Signed at Bruxelles, December 31, 1822.*

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, having thought fit to agree upon the following arrangements, additional to, and explanatory of, the Treaty concluded between their aforesaid Majesties at The Hague, on the 4th of May, 1818, for the prevention of the Trade in Slaves, have therefore named as Plenipotentiaries *ad hoc*:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench of Garbally in the United Kingdom of Great Britain and Ireland, one of His Majesty's Most Honourable Privy Council in Great Britain and also in Ireland, Member of the Committee of the First for the affairs of Commerce and Colonies,

Colonel of the Regiment of Militia of the County of Galway, Vice-Admiral of the Province of Connaught, Knight Grand Cross of the Most Honourable Order of the Bath, and of the Royal Hanoverian Guelphic Order, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the Netherlands, Grand Duke of Luxembourg; and His Majesty the King of the Netherlands, Anne William Charles, Baron de Nagell d'Ampsen, Member of the Body of Nobles of the Province of Guelderland, Knight Grand Cross of the Order of the Belgic Lion, and of that of Charles the Third, of the Legion of Honour, and of the Royal Hanoverian Guelphic Order, Chamberlain, and Minister of State holding the department of Foreign Affairs: who, having exchanged their full powers, found in good and due form, have agreed on the following Explanatory and Additional Articles:—

**ARTICLE I.** Whereas it is stated in Article I of "Instructions intended for the British and Dutch Ships of War employed to prevent the illicit Traffic in Slaves," that "Ships on board of which no Slaves shall be found intended for purposes of traffic, shall not be detained on any account or pretence whatever:" And whereas it has been found by experience, that vessels employed in the illegal traffic, have unshipped their Slaves immediately prior to their being visited by the ships of war, and that such vessels have thus found means to evade forfeiture and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Treaty above mentioned;—

The High Contracting Parties therefore feel it necessary to declare, and it is hereby declared by them, that, if there shall be clear and undeniable proof, that a Slave or Slaves has or have been put on board a vessel for the purpose of illegal traffic, in the particular voyage on which the vessel shall be captured, then, and on that account, according to the true intent and meaning of the stipulations of the Treaty, such vessel shall be detained by the cruizers, and finally condemned by the Commissioners.

**ARTICLE II.** The High Contracting Parties hereby agree, that in the event of the absence, on account of illness, or of any other unavoidable cause, of one or more of the Commissioners, Judges, and Arbitrators, under the above-mentioned Treaty, or in the case of their absence in consequence of leave from their Government, duly notified to the Board of Commission sitting under the said Treaty, their posts shall be supplied in the same manner in which, by the Article IX of the Regulations for the Mixed Commissions, those vacancies in the Commission are to be supplied, which may occur by the death of one or more of the Commissioners aforesaid.

The Explanatory and Additional Articles above mentioned, shall be submitted to the ratification of the respective Sovereigns, and shall have the same force and effect as if they were inserted, word for word, in the Treaty of the 4th of May, 1818, above mentioned, and shall be held to form part of the same.

The acts of ratification shall be exchanged within the space of one month from this date, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the present Act, and thereunto affixed the seal of their arms.

Done at Bruxelles, this thirty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two.

(L.S.) CLANCARTY.

(L.S.) A. W. C. DE NAGELL.

*Further Additional Article to the before-mentioned Treaty.  
Signed at Bruxelles, January 25, 1823.*

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, having thought fit to agree upon the following further arrangement, additional to the Treaty concluded between their aforesaid Majesties at The Hague, on the 4th of May, 1818, for the prevention of the Trade in Slaves, and also in addition to the two Explanatory and Additional Articles, executed by the Plenipotentiaries of their said Majesties, on the 31st of December, 1822, have named, authorized, and directed the same Plenipotentiaries, to sign, in their names, an agreement *ad hoc*:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench of Garbally in the United Kingdom of Great Britain and Ireland, one of His Majesty's Most Honourable Privy Council in Great Britain, and also in Ireland, Member of the Committee of the First for the affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of Galway, Vice-Admiral of the Province of Connaught, Knight Grand Cross of the Most Honourable Order of the Bath, and of the Royal Hanoverian Guelphic Order, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the Netherlands, Grand Duke of Luxembourg:—

And His Majesty the King of the Netherlands, Anne William Charles Baron de Nagell d'Ampsen, Member of the Body of Nobles of the Province of Guelderland, Knight Grand Cross of the Order of the Belgic Lion, and of that of Charles the Third, of the Legion of Honour, and of the Royal Hanoverian Guelphic Order, Chamberlain and Minister of State holding the department of Foreign Affairs: who, having exchanged their full powers, found in good and due form, having agreed upon the following Additional Article:

**ADDITIONAL ARTICLE.** And it is hereby further agreed, that upon proof being duly given before the Mixed Court, whereupon it shall appear that any ship or vessel, subject to examination under the Treaty, or under the Explanatory or Additional Articles, and detained hovering or sailing upon the coast of Africa, within one geographic degree to the westward thereof, and between the twentieth degree of latitude north of the Equinoctial line, and the twentieth degree of latitude to the southward thereof, or at anchor within any of the rivers, bays, or creeks of the said coast, within the limits above particularly specified, or at anchor in any part within the said limits, and which ship or vessel, in

her outfit and equipment, shall fall within one or more of the following designations, namely:—

1. Having her hatches fitted with open gratings, instead of being close hatches, as usual in merchant vessels.
2. Having more divisions or bulk-heads in the hold or on deck, than necessary for trading vessels.
3. Having on board spare plank, either actually fitted in that shape, or fit for readily laying a second or moveable deck, or slave-deck.
4. Having on board shackles, bolts, or handcuffs.
5. Having on board an unreasonable quantity of water in casks or in tanks, more than sufficient for the consumption of her crew as a merchant vessel.
6. Having on board an unreasonable number of water-casks or other vessels for holding water, unless the master shall produce a certificate from the custom-house from the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel, that such extra quantity of casks or other vessels should only be used for the reception of palm-oil.
7. Having on board a greater quantity of mess tubs or kids than requisite for the use of her crew, as a merchant vessel.
8. Having on board two or more copper-boilers, or even one of an unreasonable size, larger than requisite for the use of her crew as a merchant vessel.
9. Having on board an unreasonable quantity of rice or farinha (flour of the manioc of Brazil, or of cassada), or maize, or Indian corn, beyond any probable requisite provision for the use of her crew, and such rice, flour, maize, or Indian corn, not being entered on the manifest, as part of the cargo for trade.

The proof of these, or of any one or more of these several indications, shall be considered as *prima facie* evidence of her actual employment in the Slave Trade, and unless rebutted by satisfactory evidence upon the part of the master or owners, that such ship or vessel was otherwise legally employed at the time of detention or capture, the ship or vessel shall thereupon be condemned and declared lawful prize.

The aforesaid Additional Article shall be submitted to the ratification of the respective Sovereigns, and shall have the same force and effect as if it were inserted, word for word, in the Treaty of the 4th of May, 1818, above mentioned, and shall be held to form part of the same.

The acts of ratification shall be exchanged within the space of one month from this date, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the present Act, and thereunto affixed the seal of their arms.

Done at Bruxelles, the twenty-fifth day of January, in the year of our Lord one thousand eight hundred and twenty-three.

(L.S.) CLANCARTY.  
(L.S.) A. W. C. DE NAGELL.

*Additional Article to the Treaty concluded at The Hague, May 4, 1818, between Great Britain and the Netherlands, for the prevention of the Traffic in Slaves. Signed at The Hague, February 7, 1837.*

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, having deemed it expedient to enter into a further additional arrangement to the Treaty concluded between their said Majesties at The Hague, on the fourth of May, one thousand eight hundred and eighteen, for the suppression of the Slave Trade, as well as to the Additional and Explanatory Articles concluded between their said Majesties on the thirty-first of December, one thousand eight hundred and twenty-two, and on the twenty-fifth of January, one thousand eight hundred and twenty-three; have named, authorized, and appointed as their Plenipotentiaries *ad hoc*, namely:

His Majesty the King of the United Kingdom of Great Britain and Ireland, Sir Edward Cromwell Disbrowe, Knight Grand Cross of the Royal Hanoverian Guelphic Order, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Netherlands, Grand Duke of Luxembourg;

And His Majesty the King of the Netherlands, John Gisbert Baron Verstolk de Soelen, Member of the Body of Nobles of the Province of Holland, Knight Grand Cross of the Orders of the Netherland Lion, and of Saint Stephen of Hungary, his Minister of State holding the department of Foreign Affairs:

Who, after having exchanged

Sa Majesté le Roi des Pays Bas, et Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ayant trouvé bon de convenir d'un arrangement ultérieur additionnel au Traité conclu entre leurs dites Majestés à La Haye, le quatre Mai, mil huit cent dix-huit, pour la répression du Trafic des Esclaves, ainsi qu'aux Articles Additionnels et Explicatifs conclus entre leurs dites Majestés le trente-et-un Décembre, mil huit cent vingt-deux, et le vingt-cinq Janvier, mil huit cent vingt-trois; ont nommé, autorisé, et commis leurs Plénipotentiaires *ad hoc*, savoir :

Sa Majesté le Roi des Pays Bas, le Sieur Jean Gisbert Baron Verstolk de Soelen, Membre du Corps Equestre de la Province de Hollande, Chevalier Grand-Croix des Ordres du Lion Néerlandais et de St. Etienne de Hongrie, son Ministre d'Etat ayant le département des Affaires Etrangères;

Et Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Sir Edward Cromwell Disbrowe, Chevalier Grand-Croix de l'Ordre Royal Hanovrien des Guelphe, son Envoyé Extraordinaire et Ministre Plénipotentiaire auprès de Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg :

Lesquels, après avoir échangé

their full powers, found in good and due form, have agreed to the following Additional Article:—

#### ADDITIONAL ARTICLE.

Whereas by the Seventh Article of the Treaty for the suppression of the Slave Trade, between their Majesties the King of the United Kingdom of Great Britain and Ireland, and the King of the Netherlands, signed at The Hague, on the fourth of May, one thousand eight hundred and eighteen, Regulations for Mixed Courts of Justice are established: and whereas by the Sixth Article of those Regulations, it is stipulated, amongst other things, "that in case of the condemnation of a vessel, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the Slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale for the profit of the two Governments;" it is agreed by the present Separate and Additional Article, that the words "and the said vessel, as well as her cargo, shall be sold by public sale for the profit of the two Governments," shall be annulled, and in lieu thereof the following stipulation inserted, which shall, in consequence, make an integral part of the Sixth Article of the above-mentioned Regulations, and of the Treaty of the fourth of May, one thousand eight hundred and eighteen, namely: "and the said vessel shall be entirely demolished, and the materials thereof publicly sold in separate parts, as well as her cargo, for the profit of the two Governments."

The present Additional Article

leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de l'Article Additionnel suivant:—

#### ARTICLE ADDITIONNEL.

Attendu que par le Septième Article du Traité pour la répression du Trafic des Esclaves, entre leurs Majestés le Roi des Pays Bas, et le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, signé à La Haye, le quatre Mai, mil huit cent dix-huit, il est établi un Règlement pour des Cours de Justice Mixtes: et attendu que par la Sixième Article de ce Règlement il a été stipulé entre autre, "qu'en cas de condamnation d'un navire, il sera déclaré prise légitime, aussi bien que sa charge, de quelque description qu'elle puisse être, à l'exception des Esclaves qui pourront être à bord comme objets de commerce; et le dit navire, aussi bien que sa charge, sera vendu en vente publique au profit des deux Gouvernemens;" il est convenu par le présent Article Séparé Additionnel, que les mots "et le dit navire, aussi bien que sa charge, sera vendu en vente publique au profit des deux Gouvernemens," seront annulés et remplacés par la stipulation suivante, laquelle fera, en conséquence, partie intégrante de l'Article Six du Règlement précité, et du Traité du quatre Mai, mil huit cent dix-huit, savoir: "et le dit navire sera entièrement démolie, et les matériaux qui en proviendront seront vendus séparément, ainsi que sa charge, en vente publique, au profit des deux Gouvernemens."

Le présent Article Additionnel

shall be submitted to the ratification of the respective Sovereigns, and shall have the same force and effect as if it had been inserted, word for word, in the before-mentioned Treaty of the fourth of May, one thousand eight hundred and eighteen, and in the Regulations thereunto annexed.

The ratifications shall be exchanged within one month from the signature of the present Article, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present Additional Article, and thereto affixed the seal of their arms.

Done at The Hague, this seventh day of February, in the year of our Lord one thousand eight hundred and thirty-seven.

EDWARD CROMWELL DISBROWE.  
VERSTOLK DE SOELEN.

(L.S.)  
(L.S.)

sera soumis à la ratification des Souverains respectifs, et aura la même force et effet que s'il se trouvait mot à mot inséré dans le Traité ci-dessus mentionné du quatre Mai, mil huit cent dix-huit, et dans le Réglement y annexé.

Les actes de ratification seront échangés dans l'espace d'un mois après la signature du présent Article, ou plus tôt, si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Article Additionnel, et y ont apposé le cachet de leurs armes.

Fait à La Haye, le septième Février, de l'an de Grâce mil huit cent trente-sept.

## 2. MUSCAT.

### SPECIAL ORDER.

*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS a Treaty between Great Britain and Muscat for the suppression of the Slave Trade, was signed at Muscat on the 10th of September, 1822; and a Convention was signed at Zanzibar on the 31st of May, 1839; and Her Majesty is thereby entitled to authorize Her Majesty's ships of war to search and send in for trial Muscat vessels, suspected of the illegal Traffic in Slaves; and we think fit that Her Majesty's ship under your command should be one of those authorized to act under the Treaty and Convention:—

We furnish you with a copy of the said Treaty and Convention; and you are hereby expressly authorized, empowered, and ordered, to act in the suppression of the Traffic in Slaves, according to the said Treaty and Convention.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To

*Commander of Her Majesty's ship*

By command of their Lordships,

SIDNEY HERBERT.

*Treaty between Great Britain and Muscat. Concluded at  
Muscat, the 10th of September, 1822.*

*Statement of the Requisitions made  
to his Highness the Imaum of  
Muscat, by Captain Moresby,  
of His Majesty's Ship "Menai,"  
Commissioner, vested with full  
powers by his Excellency Sir  
Robert T. Farquhar, Baronet,  
Governor of the Island of Mauri-  
tius, &c., &c., &c.*

1st. THE Imaum to abolish the Foreign Slave Trade, for ever, in his dominions.

2nd. The Imaum to order the seizure of all such vessels attempting the Foreign Slave Traffic, and to seize and punish the Captain and Crew as pirates.

3rd. The Imaum to punish all persons serving on board ships dealing in Slaves, who do not give information to the Imaum, or his Governors, that they have been Slave-dealing.

*Translation of the Answers in Arabic, under the hand and seal of his Highness the Imaum of Muscat, to the Requisitions made by Captain Moresby, of His Majesty's Ship "Menai," Commissioner, &c., &c., &c.*

1st. I DID write last season to all my officers, positively prohibiting the sale of Slaves to any Christian nation, and I will repeat those orders.

2nd. I will send orders to all the officers throughout all my dominions, that if they find (the owners of) any Arab vessel buying Slaves for sale in Christian countries, they must take possession of all such vessels, and inflict punishment on the commanders (owners) thereof, even though they be bound for Madagascar.

3rd. I will instruct my officers, and publish generally such instructions throughout my dominions, that the crews of any vessels carrying Slaves for sale in Christian countries, be enjoined, on their return to the Arab port, to give information to the authority at such port, that he may punish the commanders, and if they come to be detected in concealing such information, they (the crews) shall themselves suffer punishment.

4th. His Highness to appoint at such places as His Majesty the King of Great Britain may wish, habitations for the residence of Consuls, Agents, or others charged with the suppression of the Slave Trade by English subjects; such Consuls, Agents, or others, are to receive the assistance, on application, of his Highness the Imaum, or his Lieutenant-Governor, or others, for the apprehension and detention of any English subjects who may attempt the Traffic.

5th. The Imaum to authorize British cruizers to seize all Arab vessels that may be found loaded with Slaves, after the expiration of four months from the present date, if bound to any port out of his Highness's dominions.

6th. The Imaum or his Governors to provide all Arab vessels with passes (port-clearances). Any vessels found with Slaves on board, who have not such port-clearances, to be seized according to the 5th Requisition, by any British cruizers that may meet them.

4th. The authority you require, permitting the settlement of an Agent on your part in Zanzibar and the neighbouring parts, for the purpose of having intelligence, and watching the Traffic in Slaves with Christian nations, is granted, and I now give it to Captain Moresby.

5th. The authority you have required, permitting (to you) after the expiration of four months, the seizure of all vessels laden with Slaves bound for Christian countries, is hereby granted to Captain Moresby.

6th. I will write to my Governors, regarding the statement to be given in writing to all ships departing on a voyage, certifying from what port they have come and whither they are bound; and you may seize every vessel you may fall in with beyond Madagascar, and in the sea of Mauritius, after four months from the date of the permission contained in the answer to the 5th Requisition above acceded to; and you may carry in to me, for my disposal, any ship you may meet even on this side (the Isle of France), provided she have not the written statement required from the Governor of the port whence she sailed.

Signature of the Imaum. (L.S.)

(Signed)

**FAIRFAX MORESBY,**  
*Captain, Her Majesty's  
ship "Menai."*

*Additional Requisition by Captain  
Moresby, to the Imaum of  
Muscat.*

THAT it may be understood in the most comprehensive manner,

*Reply.*

I HAVE permitted captains of ships of the Government of the

where Arab ships are liable to seizure by His Majesty the King of England's cruisers, after the expiration of four months, the Imaum to authorize that the King of England's cruisers finding Arab ships with Slaves on board to the eastward of a line drawn from Cape Delgado, passing sixty miles east of Socotra, on to Diu Head, forming the western point of the Gulf of Cambay (unless driven by stress of weather), shall be seized and treated by His Majesty's cruisers in the same manner as if they were under the English flag.

(Signed) F. MORESBY,  
*Captain, Her Majesty's  
ship "Menai."*

English state " (Sarkat il mevent il mangy seed") to seize all Arab vessels loaded with Slaves for the foreign market, that shall be found to the eastward of the prescribed line, after the expiration of four months, from the date of the 5th Requisition already agreed to; but ships driven by stress of weather without the said line, must suffer no molestation.

Signature of the Imaum. (L.S.)

*Article XV of the Convention of Commerce between Her Majesty and the Imaum of Muscat, signed at Zanzibar, May 31, 1839.*

His Highness the Sultan of Muscat hereby renews and confirms the engagements entered into by his Highness with Great Britain on the 10th September, 1822, for the entire suppression of Slave Trade between his dominions and all Christian countries; and his Highness further engages that the ships and vessels of war belonging to the East India Company shall be allowed to give full force and effect to the stipulations of the said Treaty, agreeably with the conditions prescribed therein, and in the same manner as the ships and vessels of Her Britannic Majesty.

*Memorandum by the Secretary to Government, in the Secret Department, dated 23rd April, 1842.—(Inclosed in India Board Letter of July 12, 1842.)*

THE following are the three Articles which his Highness the Imaum of Muscat consented, on the 17th December, 1839, to being added to the Treaty concluded with his Highness by Captain Moresby, under date the 10th September, 1822, prohibiting any Traffic in Slaves being carried on by sea, within certain limits in his Highness's territories:—

"I agree that the following Articles be added to the above Treaty, concluded by Captain Moresby on the aforesaid date:—

"1st. That the Government cruisers, whenever they may meet any vessel belonging to my subjects beyond a direct line, drawn from Cape Delgado, passing two degrees seaward of the Island of Socotra, and ending at Passein, and shall suspect that such vessel is engaged in the Slave Trade, the said cruisers are permitted to detain and search it.

... 2nd. Should it, on examination, be found that any vessel belonging to my subjects is found carrying Slaves, whether men, women or children, for sale, beyond the aforesaid line, then the Government Cruisers shall seize and confiscate such vessel and her cargo. But if the said vessel shall pass beyond the aforesaid line owing to stress of weather, or other case of necessity not under control, then she shall not be seized.

... 3rd. As the selling of males and females, whether grown up or young; who are hoar or free, is contrary to the Mahomedan religion, and whereas the Soomalees are included in the hoar or free, I do hereby agree that the sale of males and females, whether young or old, of the Soomalee tribe, shall be considered as piracy, and that, four months from this date, all those of my people convicted of being concerned in such an act, shall be punished as pirates."

### 3. SWEDEN AND NORWAY.

#### SPECIAL ORDER.

*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS a Treaty between Great Britain and the King of Sweden and Norway for preventing the Traffic in Slaves was signed at Stockholm, on the 6th of November, 1824; and Instructions for Cruisers marked C, and Regulations for Mixed Courts of Justice marked D, were annexed thereto, and declared to form an integral part thereof; and the ratifications of the same were exchanged at Stockholm, on the 26th of February, 1825: and whereas the High Contracting Parties mutually agreed thereby, that ships of their Royal Navies, respectively furnished with the Instructions contained in Annex C to the Treaty, might search and send in for trial, vessels suspected of the illegal Traffic in Slaves: and whereas we think fit that Her Majesty's ship under your command should be one of those authorized to act under the Treaty,—

We furnish you with a copy of the said Treaty and of its Annexes, marked A to D inclusive; and you are hereby expressly authorized, empowered, and ordered to act in the suppression of the Traffic in Slaves, according to the said Treaty.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To  
*Commander of Her Majesty's ship*

By command of their Lordships,  
**SIDNEY HERBERT.**

*Treaty between His Britannic Majesty and His Majesty the King of Sweden and Norway, for preventing their Subjects from engaging in any Traffic in Slaves. Signed at Stockholm, November 6, 1824.*

In the name of the Most Holy  
and Undivided Trinity.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Sweden and Norway, animated by a mutual desire to adopt the most effectual measures for putting a stop to the carrying on of the Slave Trade by their respective subjects, and for preventing their respective flags from being employed by other nations who may be engaged therein, as a protection to so odious a traffic; and desiring, for this purpose, to give a further development to the principle laid down by the internal legislation of the two countries, and mutually acknowledged, as well by the 4th paragraph of the Separate Article of the Treaty concluded at Stockholm, on the 3rd day of March, 1813, as by the Declaration signed at Vienna, on the 8th day of Febrary, 1815; their said Majesties have resolved to preceed to the conclusion of a Special Treaty, for the attainment of this salutary object, and have, therefore, named as Plenipotentiaries, *ad hoc*, — His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Benjamin Bloomfield, one of His Majesty's Most Honourable Privy Council, a Major-General, Colonel Commandant of the first battalion of the Royal Regiment of Artillery, Knight Grand Cross of the Most Honourable Order of the Bath, and of the Royal Hanoverian Guelphic Order, and Envoy

Au nom de la Très Sainte et Indivisible Trinité.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi de Suède et de Norvège, animées d'un désir mutuel d'adopter les mesures les plus efficaces pour empêcher le Commerce des Esclaves par leurs sujets respectifs, et prévenir que leurs pavillons respectifs ne soient employés par d'autres nations, qui s'y trouvent engagées, pour protéger un trafic aussi odieux, et voulant, à cet effet, donner un développement ultérieur au principe posé par la législation intérieure des deux pays, et reconnaître des deux côtés, tant par le paragraphe 4 de l'Article Séparé du Traité conclu à Stockholm le 3 Mars, 1813, que par la Déclaration signée à Vienne le 8 Février, 1815; leurs dites Majestés ont résolu de procéder à la conclusion d'un Traité spécial pour atteindre ce but salutaire, et ont nommé, à cet effet, des Plénipotentiaires, savoir, — Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Chevalier Benjamin Bloomfield, Conseiller de Sa Majesté Britannique en son Conseil Privé, Général-Major des Armées, et Colonel en Chef du premier bataillon du Régiment d'Artillerie de Sa dite Majesté, Chevalier Grand-Croix du Très Honorable Ordre du Bain, Grand-Croix de l'Ordre Royal Guelphique de Hannovre, et Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa dite Ma

Extraordinary and Minister Plenipotentiary of His said Majesty to His Majesty the King of Sweden and Norway;—and His Majesty the King of Sweden and Norway, the Sieur Gustavus Count de Wetterstedt, his Minister of State and for Foreign Affairs, Knight Commander of his Orders, Knight of the Order of the Red Eagle of Prussia of the First Class, Knight Grand Cross of the Order of Leopold of Austria, one of the Eighteen of the Swedish Academy;—who, having exchanged their respective full powers, found in good and due form, have agreed on the following Articles:

ARTICLE I. The laws of Sweden and Norway, from the remotest time, never having recognised the existence of Slavery, under any form whatever, and the Slave Trade being comprehended in that category, already more specially expressed, with regard to Norway, by the Royal Ordinance annexed to the present Treaty (sub literâ B), dated the 16th of March, 1792,—and the laws of the United Kingdom of Great Britain and Ireland prohibiting to the subjects of His Britannic Majesty, under the severest penalties, any participation whatever in a commerce degrading to humanity, and unworthy of a civilized age,—His Majesty the King of Sweden and Norway engages himself, in consequence, to reiterate, within the space of six months after the ratification of the present Treaty, or sooner if possible, to all his subjects, in the most explicit manner, the prohibition already existing, that they should take any part in the Traffic in Slaves.

In order to render more effective the measures for the suppression of the said traffic, to which the King of Sweden and Norway has pledged himself by the pre-

jesté près Sa Majesté le Roi de Suède et de Norvège;—et Sa Majesté le Roi de Suède et de Norvège, le Sieur Gustave Comte de Wetterstedt, son Ministre d'Etat et des Affaires Etrangères, Chevalier Commandeur de ses Ordres, Chevalier de l'Ordre de l'Aigle Rouge de Prusse de la Première Classe, Grand-Croix de l'Ordre de Léopold d'Autriche, un des Dix-Huit de l'Académie Suédoise;—lesquels, après avoir échangé leurs pleins-pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivans:

ARTICLE I. Les loix de la Suède et de la Norvège, ayant, depuis un tems immémorial, ignoré jusqu'à l'existence de l'Esclavage, sous quelque forme qu'il se présentât, et la Traite des Nègres ayant été comprise dans cette même catégorie, déjà plus spécialement exprimée, par rapport à la Norvège, par l'Ordonnance Royale annexée au présent Traité (sub litterâ B), en date du 16 Mars, 1792,—et les loix du Royaume Uni de la Grande Bretagne et d'Irlande, défendant de même aux sujets de Sa Majesté Britannique, sous les peines les plus graves, toute participation à ce commerce dégradant pour l'humanité et indigne d'un siècle civilisé,—Sa Majesté le Roi de Suède et de Norvège s'engage, en conséquence, à répéter, dans le terme de six mois après la ratification du présent Traité, ou plus tôt, si faire se pourra, à tous ses sujets, de la manière la plus explicite, la défense, déjà existante, de prendre aucune part quelconque à la Traite des Nègres.

Afin de rendre plus efficaces les mesures répressives contre la dite traite, auxquelles Sa Majesté le Roi de Suède et de Norvège s'est engagée par le présent Traité, et

sent Treaty, and with the view of assimilating them more nearly to those already adopted by Great Britain, His said Majesty engages to add to them, as soon as possible, with the concurrence of the States-General of the Kingdom of Sweden, and of the Storthing of the Kingdom of Norway, penal laws, according to the spirit of the legislation of each country, which laws shall visit with a punishment proportionate to the magnitude of the crime, any participation whatever, by Swedish or Norwegian subjects, in the Slave Trade.

In the mean time, and until these subsequent arrangements can be put in force, the tenor of the Royal Ordinance of the 7th of February, 1823, of which a copy is annexed to the present Treaty (sub literâ A), is formally maintained and confirmed by the present Article.

**ARTICLE II.** In order more completely to prevent all infringement of the spirit of the preceding Article, the two High Contracting Parties declare, that the vessels belonging to their respective subjects, which, contrary to all expectation, may be found employed in this forbidden traffic, shall, by that act, lose all right to claim the protection of their flag; and they mutually consent that the ships of their royal navies, which shall be provided with Special Instructions for this purpose, as hereinafter mentioned, shall visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of being concerned in the Traffic of Slaves, contrary to the provisions of this Treaty, and, in case thereof, may detain and bring away such vessels, in order that they may be brought to trial in the manner stipulated in the Fourth Article of the present Treaty.

dans le but de les mettre dans une plus grande harmonie avec celles déjà adoptées par la Grande-Bretagne, Sa dite Majesté s'engage à y ajouter, aussitôt que possible, avec le concours des Etats-Généraux du Royaume de Suède, et du Storthing du Royaume de Norvège, des loix pénales, d'après l'esprit de la législation de chaque pays, lesquelles frapperiaient d'une peine proportionnée à la gravité du délit, toute participation, de la part de sujets Suédois ou Norvégiens, à la Traite des Noirs.

En attendant, et jusqu'à ce que ces dispositions ultérieures puissent être mises en vigueur, la teneur de l'Ordonnance Royale du 7 Février, 1823, dont copie se trouve jointe au présent Traité (sub littérâ A), est formellement maintenue et confirmée par le présent Article.

**ARTICLE II.** Afin de prévenir plus complètement toute contravention à la teneur de l'Article précédent, les deux Hautes Parties Contractantes déclarent, que les vaisseaux appartenans à leurs sujets respectifs, qui, contre toute attente, seraient trouvés employés dans ce trafic défendu, auront, par ce seul fait, perdu tout droit de réclamer la protection de leur pavillon; et elles consentent mutuellement à ce que les vaisseaux de leurs marines royales qui seront munis d'Instructions Spéciales à cet effet, telles qu'on les trouve mentionnées ci-après, pourront visiter les navires marchands des deux nations, lesquels, sur des présomptions raisonnables, seraient soupçonnés d'être engagés dans le Trafic d'Esclaves, en contravention aux dispositions du présent Traité, et, dans ce cas, ils pourront arrêter et amener les navires, pour être mis en jugement de la manière qui se trouve stipulée dans l'Article 4 du présent Traité.

As much as in order to explain the mode of execution of the preceding Article, it is agreed:

1<sup>o</sup>. That such reciprocal right of visit and detention shall not be exercised within the Mediterranean Sea, nor within the European seas lying without the Straits of Gibraltar, to the northward of the 37<sup>th</sup> degree of north latitude, and within and to the eastward of the meridian of Ferro.

2<sup>o</sup>. That all ships of the royal navies of the two nations, which shall be hereafter employed to prevent the Traffic in Slaves, shall be furnished, by their respective Governments, with a copy, in the English, Swedish, and Norwegian languages, of the Instructions annexed (sub literâ C) to the present Treaty, and which shall be considered as an integral part thereof.

These Instructions shall not be altered or modified, but with the common consent of the High Contracting Parties.

3<sup>o</sup>. That the names of the several vessels furnished with such Instructions, the force of each, and the names of their several commanders, shall be, from time to time, communicated forthwith, by the Power issuing the same, to the other High Contracting Party.

4<sup>o</sup>. That the ships of each of the royal navies, authorized to make such visit as aforesaid, shall not exceed the number of twelve, belonging to either of the High Contracting Parties, without the previous consent of the other High Contracting Party.

5<sup>o</sup>. That the right of visit, such as has thus been reciprocally agreed on by the two High Contracting Parties, shall not be directly exercised upon merchant vessels sailing under the convoy of one or more ships of war of either of the two Powers.

ARTICLE III. Afin d'expliquer le mode d'exécution de l'Article précédent, il est convenu:

1<sup>o</sup>. Que ce droit réciproque de visite et de détention ne saurait être exercé dans la Mer Méditerranée, ni dans les mers Européennes situées hors du Détrict de Gibraltar, au nord du 37<sup>me</sup> degré de latitude septentrionale, et à l'est du méridien de Ferro.

2<sup>o</sup>. Que les vaisseaux de la marine royale des deux Etats, qui seront destinés à prévenir le Commerce d'Esclaves, seront munis, par leurs Gouvernemens respectifs, d'une copie, en Anglais, en Suédois, et en Norvégien, des Instructions annexées (sub litterâ C) au présent Traité, duquel elles sont considérées comme partie intégrante.

Ces Instructions ne pourront être changées ou modifiées, que d'un commun accord entre les Hautes Parties Contractantes.

3<sup>o</sup>. Que les noms des différens vaisseaux munis de pareilles Instructions, leurs forces respectives, et les noms des commandans, seront communiqués, de tems en tems, et immédiatement, à mesure de la délivrance d'icelles par la Puissance qui en fait l'expédition, à l'autre Partie Contractante.

4<sup>o</sup>. Que le nombre des vaisseaux de chacune des marines royales, autorisés à exécuter la visite susdite, ne pourra excéder celui de douze, appartenant à chacune des Hautes Parties Contractantes, sans le consentement préalable de l'autre Puissance.

5<sup>o</sup>. Que le droit de visite, tel qu'il vient d'être mutuellement accordé par les deux Hautes Parties Contractantes, ne pourra point être exercé directement, vis-à-vis des bâtimens marchands, naviguant sous le convoi d'un ou de plusieurs bâtimens de guerre de l'une ou de l'autre des deux Puissances.

If, contrary to all expectation, the commander of a ship of war of either of the two Governments, employed in the suppression of the Slave Trade, should have reasonable grounds for suspecting that a ship under convoy of the other Government, should in fact have on board Slaves destined for sale, or be otherwise engaged in the Traffic of Slaves, contrary to the provisions of this Treaty, he shall address himself to the commander of the convoy, in order to communicate his suspicions; the latter shall then proceed to visit the suspected ship, accompanied by either the commander of the cruiser himself, or any officer whom the latter may delegate as his representative.

The commander of the convoy shall afford all the aid and assistance possible to the visit of the suspected ships, and to their eventual detention, according to the spirit and true sense of the present Treaty.

**ARTICLE IV.** In order to bring to adjudication, with the least delay and inconvenience, the ships of the two nations which may be detained for being engaged in a Traffic of Slaves contrary to the provisions of this Treaty, Mixed Courts of Justice shall be formed of an equal number of individuals, to be named for this purpose by their respective Sovereigns; and it is hereby agreed, that one of the said Courts shall be established in one of the possessions of His Britannic Majesty on the coast of Africa, which shall be named at the exchange of the ratifications of this Treaty, and the other in the Island of St. Bartholomew, in the West Indies, belonging to His Majesty the King of Sweden and Norway; each of the two High Contracting Parties reserving to

Si, contre toute attente, le commandant d'une bâtiment de guerre de l'un des deux Gouvernemens, employé à la répression de la Traite des Nègres, avait des présumptions raisonnables pour soupçonner qu'un bâtiment, sous le convoi de l'autre Gouvernement, aurait effectivement à bord des Esclaves destinés à la vente, ou serait autrement engagé dans le Trafic d'Esclaves, en contravention aux dispositions du présent Traité, il s'adressera au commandant du convoi, pour lui faire part de ses soupçons; celui-ci procèdera alors à la visite du bâtiment indiqué, en s'associant, pour cet effet, soit le commandant même du croiseur, soit l'officier que ce dernier aura délégué pour le représenter.

Le commandant du convoi prêtera toute aide et facilité possible à la visite des navires soupçonnés, et à leur détention éventuelle, selon l'esprit et le véritable sens du présent Traité.

**ARTICLE IV.** Afin d'amener en jugement, avec le moins de délai et d'inconvénient, les navires des deux nations qui seraient détenus pour être engagés dans le Commerce d'Esclaves, en contravention aux dispositions du présent Traité, il sera formé des Cours de Justice Mixtes, composées d'un nombre égal d'individus, à nommer par les Souverains respectifs; l'une de ces Cours sera établie dans une des possessions de Sa Majesté Britannique sur la côte d'Afrique, dont déclaration sera faite à l'échange des ratifications du présent Traité, et l'autre dans l'Île de St. Barthélémy, aux Indes Occidentales, appartenante à Sa Majesté le Roi de Suède et de Norvège; chacune des deux Parties Contractantes se réservant le droit de changer, à sa convenance, la

itself the right of changing, at its pleasure, the place of residence of the Court within its dominions.

It is also hereby provided, that in the event of the absence, on account of illness, or any other unavoidable cause, of one or more of the commissioners, judges, or arbiters, under the above-mentioned Treaty, or in case of their absence on leave from their Government, duly notified to the Board of Commissioners sitting under the said Treaty, their posts shall be supplied in the same manner in which, by Article IX of the Regulations for the Mixed Commissions, those vacancies are to be supplied, which may occur by the death of one or more of the commissioners aforesaid.

Each Government shall name, to sit in each of these Courts, a judge and an arbiter, reserving, however, to itself, according to circumstances, and as it shall think proper, the power either of naming, for that purpose, permanent salaried officers, or of eventually appointing duly qualified individuals on the spot, who shall assemble, when the case occurs, in the quality of judges and arbiters.

It is provided, nevertheless, that after the term fixed for the meeting of the said commissioners, their proceedings in examination and adjudication, shall not be delayed by reason of the absence of any judge or arbiter, to be appointed under the provisions of this Treaty, but the same shall be had and determined by such commissioners as shall or may be assembled, observing in all things, as nearly as may be, the several provisions of this Treaty.

**ARTICLE V.** Each of the two High Contracting Parties engages to make good to the subjects of the other, any losses whish their re-

place de résidence de la Cour dans l'intérieur de ses domaines.

Si un ou plusieurs des commissaires, juges ou arbitres, nommés en vertu du présent Traité, seraient absents, soit par maladie ou autre cause valable, soit par congé accordé par son Gouvernement, et dûment notifié à la Cour susmentionnée, on procèdera, pour leur remplacement, conformément aux stipulations de l'Article 9 du Règlement pour les Commissaires Mixtes, dont les places deviennent vacantes par décès.

Chaque Gouvernement nommera, pour siéger dans chacune de ces Cours, un juge et un arbitre, en se réservant toutefois, d'après les circonstances, et comme ils le jugeront à propos, soit de nommer, pour cet effet, des employés permanents et salariés, soit de constituer éventuellement des individus dûment qualifiés, sur les lieux, pour s'assembler, le cas échéant, dans la qualité de juges et d'arbitres.

Il est toutefois convenu, qu'à près le terme fixé pour la réunion des dits commissaires, leur enquête et jugement ne pourront être tirés en longueur, ni arrêtés par l'absence d'un juge ou arbitre, à être désigné par suite du présent Traité, mais que la Cour pourra procéder et prononcer sur l'affaire, au moyen des commissaires qui s'assembleront, en se conformant aussi strictement que possible aux différentes stipulations du présent Traité.

**ARTICLE V.** Chacune des deux Hautes Parties Contractantes s'engage à faire indemniser les sujets de l'autre, de toutes les pertes que

spective cruisers may cause them to experience, by the illegal or arbitrary detention of their vessels; and it is understood that the visit and detention shall not, under any pretext whatever, be effected but by ships which form a part of the two royal navies, and which shall be provided with the Special Instructions annexed to the present Treaty, and in pursuance of the provisions thereof.

**ARTICLE VI.** In case the officers commanding vessels employed for the suppression of the Slave Trade shall deviate, in any respect whatever, from the stipulations of the present Treaty, the Government which shall conceive itself to be wronged by such conduct, shall have the right to demand reparation; and, in such case, the Government to which the said commanding officers shall belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict, should such complaint be grounded, punishment proportioned to the transgression which may have been committed.

**ARTICLE VII.** In case of clear and undeniable proof that one or more Slaves shall have been embarked on board during the voyage, for the purpose of traffic, the vessel in question shall be detained and brought to trial, in the manner herein above mentioned in Article II.

And it is further mutually agreed, that all merchant vessels found hovering or sailing near the coasts of Africa, within one degree to the westward of the said coasts, between the twentieth degree of north latitude and the same degree of south latitude, or at anchor within any of the rivers, gulfes, or creeks of these coasts, within the limits hereinabove

ses croiseurs auront pu leur faire essuyer, par une détentio非法e ou arbitraire de leurs vaisseaux; et il est entendu que la visite et la détentio非法e ne pourraient, sous aucun prétexte, être effectuées que par des bâtimens faisant partie des deux marines royales, munis des Instructions Spéciales annexées au présent Traité, et en se conformant à leurs dispositions.

**ARTICLE VI.**—Dans le cas où les officiers commandans des vaisseaux employés à la répression de la Traite des Nègres, s'écarteraient des dispositions du présent Traité, de quelque manière que ce fût, le Gouvernement qui se croira lésé par une telle conduite, aura le droit de demander réparation; et, en tel cas, le Gouvernement auquel les dits officiers commandans appartiendront, s'oblige à faire instituer des enquêtes au sujet de la plainte, et à infliger, lorsqu'elle sera trouvée fondée, une punition proportionnée à la transgression commise.

**ARTICLE VII.** Dans le cas qu'il existait des preuves claires et irrécusables, qu'un ou plusieurs Esclaves auraient été embarqués, pendant le voyage, sur un bâtimen visité, dans le dessein d'en faire trafic, le bâtimen en question sera détenu, et mis en jugement, de la manière indiquée ci-dessus dans l'Article II.

Il est de même convenu que tout bâtimen marchand trouvé rodant, ou naviguant près des côtes d'Afrique, à la distance d'un degré à l'ouest des dites côtes, entre le vingtième degré de latitude septentrionale, et le même degré de latitude méridionale, ou rencontré à l'ancre dans les rivieres, golfes, ou baies de ces côtes, entre les limites ci-dessus établies, ou à

established, or at anchor in any part within the said limits, shall be lawfully detained and brought before the established Tribunals, provided that in her equipments there shall be found any of the particulars hereinafter mentioned, namely:—

1°. Having her hatches fitted with open gratings, instead of close hatches, as usual in merchant vessels.

2°. Having more divisions or bulk-heads in the hold, or on deck, than necessary for trading vessels.

3°. Having on board spare plank, either actually fitted in that shape, or fit for readily laying a second or moveable deck, or slave-deck.

4°. Having on board, shackles, bolts, or hand-cuffs.

5°. Having on board an unreasonable quantity of water, in casks or in tanks, more than sufficient for the consumption of her crew, as a merchant vessel.

6°. Having on board an unreasonable number of water-casks or other vessels for holding water, unless the master shall produce a certificate from [the custom-house from the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel, that such extra quantity of casks or other vessels, should only be used for the reception of palm-oil, or other lawful commerce.

7°. Having on board a greater quantity of mess tubs, or kids, than requisite for the use of the crew, as a merchant vessel.

8°. Having on board two or more copper boilers, or even one of an unreasonable size, larger than requisite for use of her crew as a merchant vessel.

9°. . . . .

l'ancre dans quelque place que ce soit, en dedans de ces limites, pourra être légalement détenu et amené devant les Cours établies, lorsque dans son équipement il se trouve les particularités ci-dessous désignées, savoir:—

1°. Que les écoutilles seraient en treillis, et non en planches entières, comme les portent ordinairement les bâtimens marchands.

2°. Qu'il se trouverait plus de compartimens dans l'entre pont, ou sur le tillac, qu'il ne serait nécessaire pour des bâtimens marchands.

3°. Qu'il se trouverait à bord des planches apprêtées pour la construction d'un pont volant.

4°. Qu'il y aurait à bord des chaînes, des menottes, &c.

5°. Qu'il y aurait à bord une plus grande provision d'eau que celle possiblement requise pour la consommation de l'équipage.

6°. Qu'il y aurait à bord une quantité superflue de barriques, ou tonneaux, à moins que le capitaine ne puisse prouver, par un certificat délivré par la douane du lieu de son départ, que les propriétaires auraient donné sûreté complète pour que ces barriques seraient employées pour y mettre de l'huile de palme, ou pour tout autre commerce légal.

7°. Qu'il y aurait à bord plus de caisses pour conserver des provisions, qu'il n'en faudrait pour l'équipage du vaisseau.

8°. Qu'il y aurait à bord deux ou plusieurs chaudières en cuivre, ou bien une seule chaudière d'une ampleur démesurée, ou évidemment plus grande qu'il ne le faudrait pour l'usage de l'équipage.

9°. Having on board an unreasonable quantity of rice or farinha (flour of the manioc of Brasil or cassada), or maize, or Indian corn, beyond any probable requisite provision for the use of the crew, and such rice, flour, maize, or Indian corn, not being entered on the manifest as part of the cargo for trade.

The proof of these, or of any one or more of these several indications, shall be considered as *prima facie* evidence of her actual employment in the Slave Trade, and, unless rebutted by satisfactory evidence, upon the part of the master or owners, that such ship or vessel was otherwise legally employed at the time of her detention or capture, the ship or vessel shall thereupon be condemned and declared lawful prize.

ARTICLE VIII. The acts or instruments of which mention is made in this Treaty, and which, being annexed thereto, form an integral part of it, are the following:

A. The Proclamation of His Majesty the King of Sweden and Norway, which forbids, anew, to his subjects, the Slave Trade.

B. Extract of a Royal Norwegian Proclamation, dated the 16th of March, 1792. Paragraphs 1st and 6th.

C. Instructions for the vessels of the royal navies of Great Britain and of Sweden and Norway, employed in preventing the Slave Trade.

D. Regulations for the Mixed Courts of Justice.

ARTICLE IX. The present Treaty shall be ratified, and the ratifications thereof shall be exchanged within six weeks from the day of signature, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed

9°. Qu'il y aurait à bord une quantité démesurée de riz, de farine, de manioc ou de cassave, de maïs, ou de blé des Indes, au-delà de ce que l'équipage pourrait possiblement consommer, et que ces provisions ne se trouveraient point marquées sur les documens de mer, comme destinées au commerce.

Une ou plusieurs des circonstances susmentionnées suffiront pour établir la présomption légale sur la destination d'un bâtiment pour le Commerce des Noirs ; et à moins que le capitaine ne puisse prouver, d'une manière satisfaisante, qu'au moment de la détenion, le bâtiment avait une autre destination permise, celui-ci pourra être condamné sur cette première évidence et déclaré bonne prise.

ARTICLE VIII. Les actes ou instrumens dont il est fait mention dans le présent Traité, et qui, s'y trouvant annexés, en formeat partie intégrante, sont les suivans :

A. L'Ordonnance de Sa Majesté le Roi de Suède et de Norvège, qui défend, de nouveau, à ses sujets, la Traite des Nègres.

B. Extrait d'une Ordonnance Royal Norvégienne, en date du 16 Mars, 1792. Paragraphes 1 et 6.

C. Instructions pour les vaisseaux des marines royales de la Grande Bretagne et de la Suède et de la Norvège, employés à prévenir la Traite des Nègres.

D. Réglement pour les Cours de Justice Mixtes.

ARTICLE IX. Le présent Traité sera ratifié, et les ratifications en seront échangées dans l'espace de six semaines après le jour de la signature, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y

the signed the same, and there-  
eto affixed the seal of their arms.

Done at Stockholm, the sixth  
day of November, in the year of  
our Lord 1824.

B. BLOOMFIELD.  
(L.S.)

ont apposé le cachet de leurs  
armes.

Fait à Stockholm, le sixième  
jour de Novembre, l'an de Grace  
mil huit cent vingt-quatre.

G. COMTE DE WETTERSTEDT.  
(L.S.)

*Annex A to the Treaty between  
Great Britain and Sweden and  
Norway, for the suppression of  
the Slave Trade, signed at Stock-  
holm, on the 6th day of Novem-  
ber, in the year of our Lord,  
1824.*

#### PROCLAMATION.

We, Charles John, by the grace  
of God, King of Sweden and Nor-  
way, and of the Goths and Van-  
dals, do hereby make known :

That, desiring sincerely to  
maintain the principles mani-  
fested by our well-beloved Father,  
His Majesty the King Charles  
XIII., of glorious memory, con-  
cerning the Slave Trade, which  
principles perfectly coincide with  
our own sentiments, we have de-  
clared, and do hereby declare :—

That any Swedish and Norwe-  
gian ship, which, against all ex-  
pectation, shall be found employed  
in the Slave Trade, shall be  
deemed, in consequence of that  
transgression, to have lost all  
right to our protection, or to that  
of our functionaries ;—

That we shall learn, with satis-  
faction, the discovery and the  
punishment of all abuse of the  
Swedish and Norwegian flag, in a  
traffic so odious, and that, accord-  
ingly, we have admitted, that  
every ship bearing the Swedish or  
Norwegian flag, which shall be  
found employed in the Slave  
Trade, shall be considered as if it  
did not bear the above-mentioned  
flag.

*Annexe A au Traité entre la  
Grande Bretagne et la Suède et  
la Norvège, pour la répression  
de la Traite des Noirs, signé à  
Stockholm, le sixième jour de  
Novembre, l'an de Grace mil  
huit cent vingt-quatre.*

#### ORDONNANCE.

Nous, Charles Jean, par la  
grâce de Dieu, Roi de Suède, de  
Norvège, des Goths et des Van-  
dales, savoir faisons :

Que désirant sincèrement de  
maintenir les principes manifestés  
par notre bien-aimé Père, Sa  
Majesté le Roi Charles XIII., de  
glorieuse mémoire, par rapport à  
la Traite des Nègres, lesquels  
principes coincident parfaitement  
avec nos propres sentimens, nous  
avons déclaré, et déclarons :—

Que tout bâtiment Suédois et  
Norvégien qui, contre toute atten-  
te, sera trouvé employé dans  
la Traite des Nègres, sera, par  
suite de cette transgression, censé  
avoir perdu tout droit à notre  
protection, ou à celle de nos fonc-  
tionnaires ;—

Que nous verrons, avec satis-  
faction, la découverte et la puni-  
tion de tout abus du pavillon  
Suédois et Norvégien, dans un  
trafic aussi odieux, et que, par  
conséquent, nous avons accédé à  
ce que tout bâtiment portant pa-  
villon Suédois ou Norvégien, qui  
sera trouvé employé dans la  
Traite des Nègres, soit considéré  
comme s'il ne portait pas le pa-  
villon susmentionné.

All those whom it may concern shall regulate themselves according to the present.—In witness whereof we have signed it with our own hand, and have caused to be affixed thereunto our royal seal.

Done at the Castle of Stockholm, the seventh day of February, 1823.

(L.S.) (Signed) CHARLES JOHN.  
(Countersigned) SKOGMAN.

Tous ceux à qui il appartient, auront à se régler sur la présente. —En foi de quoi nous l'avons signée de notre propre main, et y avons fait apposer notre sceau royal.

Fait au Château de Stockholm, le sept Février, 1823.

(L.S.) (Signé) CHARLES JEAN.  
(Contresigné) SKOGMAN.

*Annex B to the Treaty between Great Britain and Sweden and Norway, for the suppression of the Slave Trade, signed at Stockholm, on the 6th day of November, in the year of our Lord 1824.*

Extract of a Royal Proclamation dated the 16th of March, 1792. Paragraphs 1st and 6th.

1°. From the beginning of the year 1803, all Traffic in Negroes, for the subjects of the King, is to be abolished on the coasts of Africa, and wherever it may be practised out of the royal possessions in the West Indies, so that after that period, no Negro nor Negress shall be bought either on the coast, or elsewhere, on account of, or by any of the subjects of the King, nor be transported in vessels belonging to subjects of the King, nor be imported into the possessions of the West Indies for sale there, and that all sale, in contravention of this Proclamation, shall be regarded as illegal.

\* \* \* \* \*

6°. The exportation of Negroes and Negresses from the islands of the West Indies is forbidden, from this day, very severely, and those are only excepted from the effect of this prohibition, whom the laws

*Annexe B au Traité entre la Grande Bretagne et la Suède et la Norvège, pour la répression de la Traite des Noirs, signé à Stockholm, le sixième jour de Novembre, l'an de Grace mil huit cent vingt-quatre.*

Extrait d'une Ordonnance Royale du 16 Mars, 1792. Paragraphes 1 et 6.

1°. A commencer de l'année 1803, tout Trafic de Nègres pour les sujets du Roi, doit être aboli sur les côtes de l'Afrique et partout où il pourrait avoir lieu hors des possessions royales dans les Indes Occidentales, de manière qu'après ce tems, aucun Nègre ni Nègresse ne pourront être achetés, ni sur la côte ni autre part, pour le compte ou par des sujets du Roi, ni être transportés dans des vaisseaux des sujets du Roi, ni être importés dans les possessions des Indes Occidentales pour y être vendus, et que toute vente, en contravention à cette Ordonnance, sera regardée illicite.

\* \* \* \* \*

6°. L'exportation de Nègres et de Nègresse des îles des Indes Occidentales est défendue, depuis ce jour, très sévèrement, et sont exceptés de cette défense seulement ceux à qui les loix permettent

permit to go out of the country, and those to whom the Governor-General, and the Regency in the West India islands, may grant a similar permission, according to circumstances, and in particular cases.

de sortir du pays, et ceux à qui le Gouverneur-Général et la Régence dans les îles Occidentales peuvent donner une permission pareille, d'après les circonstances, et dans des cas particulières.

*Annex C to the Treaty between Great Britain and Sweden and Norway, for the suppression of the Slave Trade, signed at Stockholm on the 6th day of November, in the year of our Lord 1824.*

*Instructions for the Ships of the British and Swedish and Norwegian Royal Navies, employed to prevent the Slave Trade.*

1°. Every ship of the royal navies of the United Kingdom of Great Britain and Ireland, or of Sweden and Norway, which, furnished with the present Instructions, shall, in conformity with the 2d and 7th Articles of the Treaty concluded the sixth day of November, in the year of our Lord one thousand eight hundred and twenty-four, have a right to visit the merchant ships of either of the two Powers actually engaged, or suspected to be engaged, in the Slave Trade, may, except in the cases exempted by the Third Article of the said Treaty, proceed to such visit, and, should any Slaves be found on board, brought there for the express purpose of the traffic, or that the ship can, in general, be included in the cases provided against in the Second and Seventh Articles, the Commander of the said ship of the royal navy may detain it, and, having detained it, he is to bring it, as soon as possible, for judgment, to the places stipulated by Article IV of the said Treaty. Ships on board of which no Slaves shall be found intended

*Annexe C au Traité entre la Grande Bretagne et la Suède et la Norvège, pour la répression de la Traite des Noirs, signé à Stockholm, le sixième jour de Novembre, l'an de Grâce mil huit cent vingt-quatre.*

*Instructions pour les vaisseaux des Marées Royales de la Grande Bretagne et de Suède et de Norvège, employés à prévenir la Traite des Nègres.*

1°. Tout vaisseau des marines royales du Royaume Uni de la Grande Bretagne et d'Irlande, ou de Suède et de Norvège, muni des présentes Instructions, aura, en conformité des Articles II et VII du Traité conclu le sixième jour de Novembre, de l'an de grâce mil huit cent vingt-quatre, le droit de visiter les navires marchands de chacune des deux Puissances effectivement engagées, ou suspects d'être engagées, dans le Commerce des Esclaves, pourra y procéder hormis dans les mers exceptées par l'Article III du dit Traité; et s'il se trouve des Esclaves à bord, dans le dessein exprès d'en faire trafic, ou que le bâtiment se trouve, en général, dans les cas prévus par les Articles II et VII, le commandant du dit vaisseau de la marine royale aura le pouvoir de le détonir, et en cas de détention d'un navire, il le conduira, le plus tôt possible, pour être mis en jugement, aux endroits stipulés par l'Article IV du dit Traité. Les navires à bord desquels on ne trouvera point d'Esclaves destinés à des objets

for purposes of traffic, shall not be detained on any account or pretence whatever.

Negro servants or sailors that may be found on board the said vessels, cannot, in any case, be deemed a sufficient cause for detention.

2° Whenever a ship of the royal navy, so commissioned, shall meet a merchantman liable to be searched, it shall be done in the mildest manner, and with every attention which is due between allied and friendly nations; and, in no case, shall the search be made by an officer holding a rank inferior to that of lieutenant of the navy.

3° The ships of the royal navy, so commissioned, which may detain any merchant ship, in pursuance of the tenour of the present Instructions, shall leave on board all the cargo, as well as the master, and a part, at least, of the crew, of the above-mentioned ship.

The captor shall draw up, in writing, an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it.

He shall deliver to the master of the detained ship a signed certificate of the papers seized on board the said vessel, as well as of the number of Slaves found on board at the moment of detention.

The Negroes shall not be disembarked till after the vessels which contain them shall be arrived at the place where the legality of the capture is to be tried.

If, however, urgent motives, deduced from the length of the voyage, the state of health of the Negroes, or other causes, require that they should be disembarked

de commerce, ne seront, détenus sous aucune raison, ou prétexte quelconque.

Des domestiques ou matelots Nègres trouvés à bord des dits navires, ne pourront, en aucun cas, être estimés une cause suffisante de détention.

2° Toutes les fois qu'un vaisseau des marines royales, à ce commissionné, rencontrera un navire marchand, sujet à la visite, celle-ci se fera de la manière la plus honnête, et avec toutes les attentions que se doivent réciproquement, deux nations amies et alliées; en aucun cas la recherche ne pourra être faite par un officier d'un grade inférieur à celui de lieutenant de la marine.

3° Les vaisseaux des marines royales, ainsi commissionnés, qui viendront à détenir un navire marchand, d'après la teneur des présentes Instructions, laisseront à bord la cargaison entière, sans y toucher, aussi bien que le patron, et au moins, une partie de l'équipage du dit navire.

Le capitaine capteur couchera par écrit une déclaration authentique, qui articulera l'état dans lequel il a trouvé le navire détenu, et les changemens qui pourront y être survenus.

Il délivrera au patron du navire détenu un certificat signé des papiers saisis à bord du dit navire, ainsi que du nombre d'Esclaves trouvés à son bord au moment de la détention.

Les Nègres ne seront point débarqués avant que les navires qui les contiennent ne soient arrivés au lieu où la légalité de la capture doit être jugée.

Si, néanmoins, des motifs urgents, tirés de la longueur du voyage, de l'état sanitaire des Nègres, ou d'autres causes, requéraient qu'ils fussent débarqués, en tout-

entirely, or in part, the commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate in proper form.

lité, ou en partie, le commandant du vaisseau capteur peut prendre sur lui la responsabilité d'un semblable débarquement, pourvu que la nécessité en soit constatée par un certificat en due forme.

*Annex D to the Treaty between Great Britain and Sweden and Norway, for the suppression of the Slave Trade, signed at Stockholm, on the 6th day of November, in the year of our Lord 1824.*

**Regulations for the Mixed Courts of Justice.**

1°. The Mixed Courts of Justice, to be established by the Treaty of this date, are appointed to decide upon the legality of the detention of such vessels as the cruisers of both nations shall detain, in pursuance of this same Treaty.

The above-mentioned Courts shall judge definitively, and without appeal, according to the present Treaty.

The proceeding shall take place as summarily as possible. The Courts are required to decide (as far as they shall find it practicable) within the space of twenty days, to be dated from that in which every detained vessel shall have been brought into the port where they shall reside; first, upon the legality of the capture; secondly, in the cases in which the captured vessel shall have been liberated, as to the indemnification which the said vessel is to receive.

And it is hereby provided, that, in no case, shall the final sentence be delayed, on account of the absence of witnesses, or for want of other proofs, beyond the period of two months, except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge

*Annexe D au Traité entre la Grande Bretagne et la Suède et la Norvège, pour la répression de la Traite des Noirs, signé à Stockholm, le sixième jour de Novembre, l'an de Grâce mil huit cent vingt-quatre.*

**Réglement pour les Cours de Justice Mixtes.**

1°. Les Cours de Justice Mixtes à établir d'après le Traité de ce jour, sont constituées à l'effet de décider de la légalité de la détention des navires que les croiseurs des deux nations viendront à arrêter en vertu du dit Traité.

Les Cours sus-mentionnées décideront définitivement, et sans appel, conformément aux stipulations du Traité.

La procédure aura lieu aussi sommairement que possible. Et les Cours sont requises de prononcer (pour autant qu'elles le trouveront praticable) dans l'espace de vingt jours, à dater de celui auquel le navire détenu aura été conduit dans les ports où les Cours résident; elles jugeront, en premier lieu, de la légalité de la capture; et, en second lieu (dans le cas où le navire capturé viendra à être absois), de l'indemnisation à donner au navire capturé.

Et il est statué par les présentes, que, dans tous les cas, la sentence définitive ne pourra être différée, pour cause d'absence de témoins, ou par défaut d'autres preuves, au-delà du terme de deux mois, à moins que ce ne soit à la demande d'une des parties intéressées, en quel cas, et moyennant qu'elles four-

themselves with the expense and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months.

2°. Each of these Mixed Courts shall be composed in the following manner:

The two High Contracting Parties shall, each of them, name a judge and an arbiter, who shall be authorised to hear and to decide, without appeal, all cases of capture of vessels which, in pursuance of the stipulations of the Treaty of this date, shall be brought before them.

All the essential parts of the proceedings carried on before these Mixed Courts, shall be written down either in English, or in Swedish or Norwegian.

The judges and the arbiters shall make oath to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act, in all their decisions, in pursuance of the stipulations of the Treaty of this date.

There shall be attached to each Court, when assembled, a secretary or registrar, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath before the Court, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge. In the case contemplated by Article IV of the present Treaty, the permanent or temporary salaries of the members of the Mixed Courts, shall be paid by their respective Sovereigns, those of the secretary or registrar of the Court to be established on the coast of Africa, shall be paid by His Britannic Majesty, and those of the secretary of the Court to be established in

nissent sûreté suffisante qu'elles se chargeront elles-mêmes des frais et risques du délai, les Cours auront le pouvoir discrétionnaire d'accorder un délai additionnel, qui n'excèdera pas quatre mois.

2°. Chacune de ces Cours Mixtes sera composée de la manière suivante:

Les deux Hautes Parties Contractantes nommeront, chacune, un juge et un arbitre, qui seront autorisés à prendre connaissance, et à décider, sans appel, de tous les cas de capture de navire, qui, en suite des stipulations du Traité de ce jour, viendront à être portés devant eux.

Toutes les parties essentielles des procédures portées par devant les dites Cours Mixtes, seront couchées par écrit, soit en Anglais, soit en Suédois ou Norvégien.

Les juges et arbitres prêteront serment de juger loyalement et fidèlement, de n'accorder aucune préférence soit aux réclamans, soit aux capteurs, et de se conduire, dans toutes leurs décisions, conformément aux stipulations du Traité de ce jour.

A chaque Cour, lorsqu'elle s'assemblera, sera attaché un secrétaire ou greffier, lequel enregistrera tous les actes de celle-ci, et qui, avant de prendre possession de sa charge, prêtera serment par devant la Cour, de se conduire respectueusement à son égard, et d'en agir avec fidélité, en toutes les affaires du ressort de sa charge. Dans le cas prévu par l'Article IV du Traité, les salaires permanents ou temporaires des membres des Cours Mixtes, seront payés par leurs Souverains respectifs, ceux du secrétaire ou greffier de la Cour à établir sur la côte d'Afrique, seront payés par Sa Majesté Britannique, et ceux du Secrétaire de la Cour à établir aux Indes Occidentales seront payés

the West Indies, by His Majesty the King of Sweden and Norway.

As to the incidental expenses of the said Courts, each Government shall defray the half.

The expenses carried to account by the officer charged with the reception and care of the detained ships, as well as with the execution of the sentence (Marshal of the Court), and any other disbursement occasioned by the bringing a vessel to judgement, shall be defrayed from the funds arising from the sale of the vessel, in case of condemnation, and by the captor, if the detained vessel should be released.

3°. The form of the process shall be as follows:

The judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessel, and to receive the depositions of the captain (who, if he should so wish, shall be allowed to employ counsel to conduct his defence), and of two or three, at least, of the principal individuals on board of the detained vessel, as well as the declaration, on oath, of the captor, should it appear necessary, in order to be enabled to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the present Treaty, and in order that, according to this judgment, it may be condemned or liberated. And, in the event of the two judges not agreeing in the sentence they ought to pronounce, whether as to the legality of the detention, or the indemnification to be allowed, or any other question which might result from the stipulations of the present Treaty, they shall draw by lot the name of one of the two arbiters, who, after having considered the documents of the process, shall consult with the above-

par Sa Majesté le Roi de Suède et de Norvège.

Les frais casuels des dites Cours seront défrayés la moitié par chaque Gouvernement.

Les frais portés en ligne de compte par l'officier chargé de la réception et du soin des navires détenus, ainsi que l'exécution des jugemens (Marshal of the Court), de même que toute autre dépense occasionnée par la détention et la mise en jugement d'un bâtiment, seront supportées par les fonds provenans de la vente du bâtiment, en cas de condamnation, et par le capteur, si le bâtiment détenu est relâché.

3°. La manière de procéder sera comme suit:

Les juges des deux nations procéderont, en premier lieu, à l'examen des papiers du navire, et à recevoir les dépositions du capitaine (lequel, s'il le désire, aura la faculté de se servir d'un avocat pour défendre sa cause), et de deux à trois des principaux individus, au moins, du navire amené, aussi bien que la déclaration asservie du capteur, si elle paraissait nécessaire, afin d'être en état de juger et de prononcer si le navire a été détenu justement ou non, conformément aux stipulations du Traité, et afin qu'en vertu de ce jugement le navire puisse être condamné ou absous. Et, dans le cas où les deux juges ne s'accorderaient pas sur la sentence à prononcer par eux, soit quant à la légalité de la détention, soit quant à l'indemnisation à allouer, ou sur toute autre question qui pourrait résulter des stipulations du Traité, ils tireront au sort le nom de l'un des deux arbitres, lequel, après avoir examiné les documens du procès, délibérera avec les juges susmentionnés, sur le cas existant, et la sentence finale sera prononcée conformé-

mentioned judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned judges and of the above-mentioned arbiter.

4°. In the authenticated declaration which the captor shall make before the Court, as well as in the certificate of the papers seized, which shall be delivered to the captain of the captured vessel, at the time of the detention, the above-mentioned captor shall be bound to declare his name and the name of his vessel, as well as the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found on board the ship at the time of the detention.

5°. As soon as sentence shall have been pronounced (which shall be duly founded), the detained vessel, if liberated, and the cargo, in the state in which it shall then be found, shall be restored to the master, or the person who represents him, who may, before the same Court, claim a valuation of the damages which they may have a right to demand; the captor himself, and, in his default, his Government, shall remain responsible for the above-mentioned damages.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be granted by the above-named Court; it being understood that these costs and damages shall be at the expense of the Power of which the captor shall be a subject.

6°. In case of the condemnation of a vessel, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the Slaves

ment à l'opinion de la majorité des juges et de l'arbitre susmentionné.

4°. Dans les déclarations authentiques que le capteur sera tenu de faire par devant la Cour, ainsi que dans le certificat des papiers saisis, qui sera délivré au capitaine du navire capturé, lors de sa détention, le susdit capteur sera tenu de déclarer son nom, et celui de son vaisseau, aussi bien que la latitude et la longitude de l'endroit où la détention a eu lieu, et le nombre des Esclaves trouvés à bord du navire capturé au moment de sa détention.

5°. Aussitôt après que la sentence aura été prononcée (laquelle sera dûment motivée), le navire détenu, s'il est libéré, et sa cargaison, dans l'état où elle se trouvera alors, seront restitués au patron, ou à celui qui le représente, lequel pourra réclamer, par devant la même Cour, une évaluation des dommages qu'il pourrait avoir droit de demander; le capteur lui-même, et, à son défaut, son Gouvernement, restera responsable desdits dommages.

Les deux Hautes Parties Contractantes s'obligent à payer, dans l'espace d'une année après la date de la sentence, les frais et dommages qui pourront être accordés par la Cour susnommée; il est entendu que ces frais et dommages tomberont à la charge de la Puissance dont le capteur sera sujet.

6°. En cas de condamnation d'un navire, il sera déclaré prise légitime, aussi bien que sa charge, de quelque description qu'elle puisse être, à l'exception des dts.

who may be on board as objects of commerce ; and the said vessel, as well as her cargo, shall be sold by public sale for the profit of the two Governments, and as to the Slaves, they shall receive from the Mixed Court a certificate of emancipation, and shall be delivered over to the Government to which the captor belongs, to be employed as servants or free labourers.

Each of the two Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

The expenses for supporting the Slaves, between the time of their capture and the condemnation, shall be levied on the fund arising from the sale of the condemned vessel ; but afterwards those expenses shall be charged to the Government of the country which is to enjoy the advantage of their labour.

The charges incurred for the support and the return of the crew of the condemned vessels, shall be defrayed by the Government of which they are the subjects.

7°. The Mixed Courts shall also take cognizance and decide, according to the Third Article of this Regulation, on all claims for compensation on account of losses occasioned to vessels detained under suspicion of having been engaged in the Slave Trade, but which shall not have been condemned as legal prize by the said Courts ; and in all cases wherein restitution shall be decreed, the Court shall award to the claimant or claimants, his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention ; that is to say : —

1°. In case of total loss, the

claves qui pourront être à bord comme objets de commerce ; et le dit navire, aussi bien que sa charge, sera vendu en vente publique au profit des deux Gouvernemens ; et quant aux Esclaves, ils recevront de la Cour Mixte un certificat d'émancipation, et seront remis au Gouvernement auquel appartient le capteur, aux fins d'être employés comme domestiques ou travailleurs libres.

Chacun des deux Gouvernemens s'oblige à la garantie de la liberté de telle portion de ces individus qui viendra à y être respectivement consignée.

Les frais d'entretien des Esclaves, entre le moment de la capture et celui de la condamnation, seront affectés sur les fonds provenans de la vente du navire condamné. Après ce moment, ces frais tomberont à la charge du Gouvernement du pays qui devra jouir de l'avantage de leur travail.

Les frais occasionnés par l'entretien et le renvoi des équipages d'un navire condamné, seront à la charge du Gouvernement dont ils se trouveront être les sujets.

7°. Les Cours Mixtes connaîtront et jugeront également, et en la forme voulue par l'Article III du présent Réglement, de toute réclamation pour compensation de pertes occasionnées à des navires détenus sur soupçon de faire le Commerce des Esclaves, mais non condamnés comme prises légales, par les dites Cours ; dans tous les cas où la restitution aura été prononcée, les Cours adjudiqueront au profit du ou des réclamans, ou leurs ayant-causes légaux, une indemnisation juste et complète de tous les frais de procédure, et de toutes les pertes et dommages que le ou les réclamans pourraient avoir éprouvés par telle capture et détention ; les Cours observeront, —

1°. Qu'en cas de perte totale, le

claimant or claimants shall be indemnified,—

- a. For the ship, her tackle, apparel, and stores;
- b. For all freight due and payable;
- c. For the value of the cargo of merchandize, if any, deducting for all charges and expenses, payable upon the sale of such cargoes, including commission of sale;

- d. For all other regular charges in such cases of total loss; and

2°. In all other cases, not of total loss, the claimant or claimants shall be indemnified,—

- a. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable;
- b. A demurrage when due, according to the schedule annexed to the present Article;
- c. For any deterioration of cargo;
- d. An allowance of 5 per cent. on the amount of the capital employed for the purchase of cargo, for the period of delay occasioned by the detention; and
- e. For all premium of insurance on additional risks.

The claimant or claimants shall, in all cases, be entitled to interest, at the rate of 5 per cent. per annum, on the sum awarded, until paid by the Government to which the capturing ship belongs; the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs, and to be liquidated at the exchange current at the time of the award.

ou les réclamans seront indemnisés,—

- a. Pour le navire, ses agrès, apparaux, et munitions;
- b. Pour tout frêt dû et à payer;
- c. Pour la valeur de la cargaison, et des marchandises, s'il y en a, déduction faite des charges et dépenses payables pour la vente de pareilles cargaisons, y compris la commission de vente;
- d. Pour toutes autres charges usitées en cas de perte totale; et

2°. Que dans tous les autres cas de perte non-totale, le ou les réclamans seront indemnisés,—

- a. De tout dommage et dépense particuliers occasionnés au navire par la détention, et pour la perte de frêt dû ou à payer;
- b. Pour starie; l'indemnisation due de ce chef sera réglée d'après la cédule annexée au présent Article;
- c. De toute détérioration de la cargaison;
- d. Il leur sera alloué également cinq pour cent du montant du capital employé à l'achat de la cargaison, pour tout le temps du délai occasionné par la détention; et
- e. Un dédommagement pour toute prime d'assurance sur les risques additionnels.

Dans tous les cas, le ou les réclamans auront le plus droit aux intérêts, sur le pied de cinq pour cent par an, de la somme adjugée, jusqu'à son paiement par le Gouvernement auquel le vaisseau capturé appartient; le montant entier de cette indemnisation sera calculé en monnaie du pays auquel le navire capturé appartient, à liquider d'après le cours de change à l'époque de l'adjugement.

The two High Contracting Parties wishing, however, to avoid, as much as possible, every species of fraud in the execution of the Treaty of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the judges of the two nations, and without having recourse to the decision of an arbiter, that the captor had been led into error by a voluntary and reprehensible fault on the part of the captain of the detained ship,—in that case only, the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article.

*Schedule of demurrage or daily allowance for a vessel of*

Tons.	Tons.	
100 to 120 inclusive,	£5 p. diem,	
121	150	6 "
151	170	8 "
171	200	10 "
201	220	11 "
221	250	12 "
251	270	14 "
271	300	15 "

and so on in proportion.

8°. Neither the judges, nor the arbitrators, nor the secretary of the Mixed Court, shall be permitted to demand or receive from any of the parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present Regulation.

9°. The two High Contracting Parties have agreed, that in the event of the death, sickness, absence on leave, or any other legal impeachment of one or more of the judges or arbitrators composing the Mixed Courts mentioned in the IVth Article of the Treaty of this day, the remaining individuals

Les deux Hautes Parties Contractantes désirant toutefois éviter, autant que possible, toute espèce de fraude dans l'exécution du Traité de ce jour, sont convenues, que s'il venait à être prouvé, d'une manière évidente, et à la conviction des juges des deux nations, et sans avoir recours à la décision d'un arbitre, que le capteur a été induit en erreur par une faute volontaire et répréhensible de la part du capitaine du navire capturé,—en ce cas seulement, le dit navire n'aura pas droit à recevoir, pendant la durée des jours de sa détention, la starie stipulée par le présent Article.

*Cédule de starie ou jour de planche pour un navire de*

Tons.	Tons.	
100 jusq. 120 inclusiv.	£5 p. jour,	
121	150	6 "
151	170	8 "
171	200	10 "
201	220	11 "
221	250	12 "
251	270	14 "
271	300	15 "

et ainsi de suite en proportion.

8°. Il ne sera licite ni aux juges, ni aux arbitres, ni au secrétaire des Cours Mixtes, de demander ou de recevoir d'aucune des parties concernées dans les sentences qu'ils prononceront, aucun émolumment, sous quelque prétexte que ce puisse être, pour l'accomplissement des devoirs qui leur sont imposés par le présent Réglement.

9°. Les deux Hautes Parties Contractantes sont convenues, qu'en cas de décès, de maladie, de congé, ou de tout autre empêchement légal d'un ou de plusieurs des juges ou arbitres composant les Cours Mixtes mentionnées dans l'Article IV du Traité de ce jour, les individus qui resteront procé-

shall proceed, without interruption, to the judgment of the ships that may be brought before them, and to the execution of their sentence.

deront, sans interruption, au jugement des navires qui pourraient être traduits par devant eux, et à la mise en exécution de leur sentence.

*Supplementary Papers referred to in Articles III and IV of the preceding Treaty.*

*Declaration referred to in Article III.*

Déclaration par rapport aux Instructions, en langue Suédoise et Norvégienne, qui seront données aux vaisseaux de la Marine Royale de Sa Majesté le Roi de Suède et de Norvège, et de Sa Majesté Britannique, qui seront employés pour la répression de la Traite des Nègres, conformément au Traité signé par les Plénipotentiaires de leurs dites Majestés, le 6 Novembre, 1824, dont les ratifications ont été échangées aujourd'hui.

Un Traité pour la répression de la Traite des Nègres ayant été conclu entre la Suède et la Norvège, et la Grande Bretagne, et signé à Stockholm, le 6 Novembre, 1824 ; et l'Article III de ce même Traité Traité ayant stipulé, parmi autres, "Que tous les vaisseaux de la marine royale des deux Etats qui seront destinés à prévenir le Commerce d'Esclaves, seront munis par leurs Gouvernemens respectifs d'une copie en Suédois, en Norvégien, et en Anglais, des Instructions annexées (sub literâ C) au présent Traité, duquel elles sont considérées comme partie intégrante ;"

Les Plénipotentiaires soussignés, signataires du Traité, déclarent par la présente, qu'étant dûment autorisés à cet effet par leurs Souverains respectifs, la copie des dites Instructions ci-annexées en Suédois et en Norvégien, est celle qui, avec la copie des dites Instructions en Anglais, annexée au Traité, constitue le document qui sera délivré aux vaisseaux des marines royales des deux Puissances, qui, conformément au Traité en question, seront, dans la suite, employés à prévenir le Commerce des Esclaves.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Déclaration, et y ont apposé le cachet de leurs armes.

Fait à Stockholm, le vingt-sixième jour du mois de Février, l'an de Grâce mil huit cent vingt-cinq.

(L.S.) G. COMTE DE WETTERSTEDT.  
(L.S.) B. BLOOMFIELD.

## (Translation.)

Declaration relative to the Instructions to be given in the Swedish and Norwegian languages, to the vessels of the Royal Navy of His Majesty the King of Sweden and Norway, and of His Britannic Majesty, which may be employed for the suppression of the Slave Trade, in conformity to the Treaty signed by the Plenipotentiaries of their said Majesties, on the 6th of November, 1824, and whereof the ratifications have been this day exchanged.

Whereas a Treaty for the suppression of the Slave Trade was concluded between Great Britain and Sweden and Norway, and signed at Stockholm on the 6th day of November, 1824; and whereas in the IIIrd Article of the said Treaty, it is, among other matters, agreed, "That all ships of the royal navies of the two nations, which shall hereafter be employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy in the English, "Swedish, and Norwegian languages, of the Instructions annexed (sub "litera C) to the present Treaty, and which shall be considered as an integral part thereof."

The undersigned Plenipotentiaries signing the Treaty, do hereby declare, being duly authorized to this effect by their respective Sovereigns, that the copy of the said Instructions, hereunto annexed in the Swedish and Norwegian languages, is that which, together with the copy of the said Instructions in the English language annexed to the Treaty, constitutes the document which is to be furnished to the ships of the royal navies of the two Powers, which shall, under the Treaty in question, be hereafter employed to prevent the Traffic in Slaves.

In witness whereof the respective Plenipotentiaries have signed the present Declaration, and have affixed thereunto the seals of their arms.

Done at Stockholm, the twenty-sixth day of February, in the year of our Lord one thousand eight hundred and twenty-five.

(L.S.) B. BLOOMFIELD.  
(L.S.) G. COUNT DE WETTERSTEDT.

## Bilaga C.

Till Tractaten emellan Sverige och Norrige samt Stora Britannien till Slaf handelns affärsand undertecknad i Stockholm den Sjette dagen i November månad, år efter Christi börd Ete Tusende åtta Hundrade och Tjugo Fyra.

Instruction för de Kongl. Svenska och Norska samt Kongl. Stor Britanniiska Krigs Skepp, som användas att förekomma Slaf handeln.

1°. Hvarje Kongl. Svenskt och Norskt eller Kongl. Stor Britanniiskt Krigs fartyg, försedd med denna Instruction skall i överensstämmelse med Andra och Sjunde Articlarne af

Instruction för de Kongelige Svenske og Norske samt Stor Britanniiske Krigs Skibe, der anvendes til at forekomme Slavehandelen.

1°. Ethvert Kongeligt Svenskt og Norskt eller Kongl. Stor Britanniiskt Krigs Skib, forsynet med denne Instruction, skal i Overensstemmelse med andre og sjunde Artikler af Tractaten

Tractaten affslutad den sjette dagen i November månad året efter Christi börd Ete Lusende åtta Hundrade och Tjugo syra, hafva rättighet att underjöka båda Magternes handels fartyg, som verkeligen syskellsätta sig, eller åro misstänkte att syskellsätta sig, med Slaf handel och kunna företaga denna undersökning med undantag af de farvat-ten som åro utmärkte i tredje Artikeln af samma Tractat, och om Slafvar bestinas om bord i tydlig affigt att dermed drifsa handel, eller fartyget i allmänhet besinnes sig i de uti andra och sjunde Artiklarne förutsedde fall, skall Befälshavaren på företräde Krigsfartyg åga magt att quarrhälla det; och i händelse af ett sådant fartygs quarrhållande, ju fört behåldre föra detsamma till de i fjerde artikeln af samma Tractat utmärkte ställen för att undergå ransökning och dom. De fartyg på hvilka ej finnas Slafvar åmmade till handel stola ej querhållas under något stål eller förevändning som hålls.

→ Negrer som i egenstab af betjenter eller sjörän besinna sig om bord på företräde fartyg kunna i ingen han-delse anses såsom en gällande anled-ning till dets quarrhållande.

2º. Alla de gånger, som ett Kongl. härtill beordrade Krigs Skepp möter ere handels fartyg som är visitation underförförd, skall denna ske på det mäst hörliga sätt, och med iagttagande af all den uppmärksamhet som soenne förenade och vänskapliga nationer dro hvarandra sins emellan ftyldige. Ingen händelse kan en sådan undersökning verkställas af en officer som innehär mindre grad än Lieutenant vid Flottan.

3º. De Kongl. Krigs Skepp härtill utseddde som komma att quarrhälla et handels fartyg, enligt ordalydelsen af dessa Instructioner stola lemma om bord hela lasten utan att röra den samma åfvensom Styrmannen och år-minstone en del af fartyget besättning.

Den Befälshavare som verkställer en sådan upbringning skall strifteligen

affluttet den sjette dag i November Maaned, Åar efter Christi Födsel Et Lusende Öre hundrede og fire og Lyve, have Rettighed til at undersøge begge Magters handels farijor, som virkelig anvendes, eller des ere mis-tänkte for at anvendes til Slavehandel; og tunne de foretage denne undersø-gelse, undtagen i de Farvande der ere spregnede i tredje Artikel af samme Tractat om Slaver besinnes indeu Borde i den udtrykkelige henfigt at med dem drive Handel, eller at Far-tøjet i Almindelighed, besinnes sig i de, i andre og sjunde Artikel, forudsættes tilfælde, skal den Højtbefalende paa ovennämte Krigs Skib have Ret til at standse det og, i tilfælde af et saadan Fartøjs Standsning, saasnart muligt føra samme til de i Tjerde Artikel af samma Tractat anførte Steder, for der at underkastes undersøgelse og dom. De farijor i hvilke ingen til Handel bestemte Slaver forefindes, skulle ej, under hvilkenform helst Forevändning eller Aarsag standses.

Negrer, der befinde sig om Bord paa ovennämnde Fartøjer i Egenstab af Ejendere eller Søemand kunne i intel tilfælde begrunde Ret til Skibenes Standsning.

2º. Hvergang et Kongeligt saaledes beordret Krigsskib møder et Handels fartøj, som er underjögelse underförförd, skall denne ske paa den hörligste Maade og med Jagttagelse af al den Opmyr-samhet som trende venskabeligen for-bundne Nationer gjensidig ere hvert-andre ftyldige. En saadan Undersøgelse kan i inel tilfælde ske ved en officer af ringere Grad end en Lieutenant i Marinen.

3º. De hertil bestemte Kongl. Krigsskibe hvilke maatte standse et handels farijor overeenstemmende med denne Instructions Indhold, skulle lade den hele indehavende Ladning blire om Bord i urørt tilstand, tilligemed Styr-manden og i det mindste en Deel af Fartøjets besättning.

Den højtbefalende, der værkstätter

aflemma en Embets förfaling inne-hållande det tillstånd i hvilket han funnit det quarrhållne fartyget och de förändringar som dervid hafva funnats tilldroga sig.

Han skal tillika aflemma till Styrmannen på det quarrhållna fartyget en understrøven fortælling på de om bord fundne papper, øfvensom på antalet af de Slavør, som derå voro bestyrlige vid øgonblicket af fartyget upbringning.

Negrene skal ikke utsleppas föro ån de fartyg på hvilka de åro om bord ankomma til den ort hvarest lagligheten af deras upbringning bør afdømmes.

Om likväl gällande orsaker, hämtade af resans längd eller Negrenes helse-tillstånd, eller andra omständigheter, födra att de blifva utsleppta, vare sig alla eller till en del, kan Besättningen af det Krigs Skep som verkställt upbringningen på egen ansvarighet företaga en sådan utlastning, allenast att nödvändigheten deraf bestyres genom ett bevis i gällande form.

en saadan opbringelse skal afgive en striklig Embedsfortælling, indeholdende den tilstand, i hvilken han har forefundet det stadsede Fartøj og de forandringer som senere derved maatte være indtrufne.

Han skal tillige, til Skipperen (Styrmanden) paa det stadsede Fartøj afgive en understreven Fortegnelse over de i Beslag tagne Papirer, som og over Antallet af de slaver der forefundtes paa den tid Fartøjet blev stadsset.

Negrene skulle ikke udstibes forend de Fartøjer paa hvilke de befinde sig ere ankomne til det sted hvor Lovligheden af opbringelsen bør bedømmes.

Dersom imidlertid rigtige Marsager, hemtede enten af Reisens Långde, Negrenes Sundhedstilstand, eller af andre Omständigheder, forbre, at enten alle, eller en Deel af dem blive udstibede, da kan den höjsebefalende paa der Kribsstib, der har foretaget opbringelsen, paa eget An og Tilsvær ivärslåtte en saadan Udløftning, dog under Bedingelse af, at Nödvendigheden heraf bekräftes ved et i loelig form, udstdt Bevis.

#### *Declaration referred to in Article IV.*

Déclaration faite par le Plénipotentiaire de Sa Majesté Britannique, au moment de l'échange des ratifications du Traité du 6 Novembre, 1824, entre Sa dite Majesté et Sa Majesté Suédoise et Norvégienne, pour la suppression de la Traite des Noirs, par rapport à l'établissement d'une Cour de Justice Mixte à Sierra Leone, comme une possession de Sa Majesté Britannique.

Un Traité pour la répression de la Traite des Noirs ayant été conclu entre la Grande Bretagne et la Suède et la Norvège, et signé à Stockholm, le sixième jour de Novembre, 1824, et contenant dans le 4<sup>me</sup> Article, entre autres choses, la stipulation qu'une des Cours de Justice Mixtes dont il y est fait mention "sera établie dans une des " possessions de Sa Majesté Britannique sur la côte d'Afrique, laquelle " sera nommée à l'échange des ratifications du présent Traité :"

Le soussigné a reçu les ordres de Sa Majesté Britannique de déclarer, à l'époque de l'échange des ratifications du dit Traité, et déclare par les présentes, au nom et de la part du Roi son Maître, que la Colonie de Sierra Leone, sur la côte d'Afrique, est la possession de Sa Majesté Britannique où la dite Cour de Justice Mixte sera établie d'après la teneur du dit Traité.

En foi de quoi le soussigné Plénipotentiaire de Sa Majesté Britannique a signé la présente Declaration, et y a fait apposer le cachet de ses armes.

Fait à Stockholm, le vingt-six Février, l'an de Grâce 1826.

(L.S.) B. BLOOMFIELD.

(*Translation.*)

Declaration made by the Plenipotentiary of His Britannic Majesty, at the period of the exchange of the ratifications of the Treaty of the 6th November 1824, between His said Majesty and His Swedish and Norwegian Majesty, for the suppression of the Slave Trade, with respect to the establishment of a Mixed Court of Justice at Sierra Leone, as a possession of His Britannic Majesty.

Whereas a Treaty for the suppression of the Slave Trade was concluded between Great Britain and Sweden and Norway, and signed at Stockholm on the sixth day of November, 1824; And whereas in the IVth Article of the said Treaty, it is, among other matters, agreed that one of the Mixed Courts of Justice therein described, "shall be established in one of the possessions of His Britannic Majesty on the coast of Africa, which shall be named at the exchange of the ratifications of this Treaty;"

The undersigned has received the commands of His Britannic Majesty to declare, and he does hereby, at the period of the exchange of the ratifications of the said Treaty, declare, in the name and on the part of the King his Master, that the settlement of Sierra Leone, on the coast of Africa, is the possession of His Britannic Majesty in which the said Mixed Court of Justice shall be established accordingly.

In witness whereof the undersigned Plenipotentiary of His Britannic Majesty has signed the present Declaration, and has affixed thereto the seal of his arms.

Done at Stockholm, the twenty-sixth day of February, in the year of our Lord, 1824.

(L.S.) B. BLOOMFIELD.

*Additional Article to the Treaty concluded at Stockholm, November 6, 1824, between Great Britain and Sweden, for the Prevention of the Traffic in Slaves. Signed at Stockholm, June 15, 1835.*

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Sweden and Norway, having thought fit to agree upon the following further Arrangement, additional to the Treaty concluded

SA Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi de Suède et de Norvège, ayant jugé à propos de convenir d'un Arrangement ultérieur à ajouter au Traité conclu entre leurs dites

between their aforesaid Majesties at Stockholm, on the sixth day of November, one thousand eight hundred and twenty-four, for the prevention of the Trade in Slaves, have named, authorized, and appointed the following Plenipotentiaries, *ad hoc*:

His Majesty the King of the United Kingdom of Great Britain and Ireland, Sir Edward Cromwell Disbrowe, Knight Grand-Cross of the Royal Hanoverian Guelphic Order, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Sweden and Norway;

And His Majesty the King of Sweden and Norway, the Sieur Gustavus, Count de Wetterstedt, his Minister of State and for Foreign Affairs, Knight Commander of his Orders, Chancellor of his Orders, Knight of the Russian Orders of St. Andrew, of St. Alexander Newsky, and of St. Anne of the first class, Knight of the Order of the Red Eagle of Prussia of the first class, Grand-Cross of the Order of Leopold of Austria, one of the Eighteen of the Swedish Academy:

Who, having exchanged their full powers, found in good form, have agreed upon the following Additional Article:—

#### ADDITIONAL ARTICLE.

It is hereby agreed between the High Contracting Parties, that in all cases in which a vessel shall, under the above-mentioned Treaty, be detained by their respective cruizers, as having been engaged in the Slave Trade, or as having been fitted out for the purpose thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Commission to be established under that Treaty, the said vessel shall, immediately

Majestés à Stockholm, le six Novembre, mil huit cent vingt-quatre, pour la répression de la Traite des Noirs, ont nommé et autorisé des Plénipotentiaires *ad hoc*, savoir :

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Sieur Edward Cromwell Disbrowe, Grand-Croix de l'Ordre des Guelphes, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Suède et de Norvège ;

Et Sa Majesté le Roi de Suède et de Norvège, le Sieur Gustave, Comte de Wetterstedt, son Ministre d'Etat et des Affaires Etrangères, Chevalier Commandeur de ses Ordres, Chancelier de ses Ordres, Chevalier des Ordres de Russie de St. André, St. Alexandre Newsky, et Ste. Anne de la première classe, Chevalier de l'Ordre de l'Aigle Rouge de Prusse de la première classe, Grand-Croix de l'Ordre de Léopold d'Autriche, un des Dix-Huit de l'Académie Suédoise :

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de l'Article Additionnel suivant :—

#### ARTICLE ADDITIONNEL.

Il est convenu entre les deux Hautes Parties Contractantes, que toutes les fois qu'un bâtiment est arrêté en exécution du Traité susmentionné, par les croiseurs respectifs, pour s'être livré à la Traite des Noirs, ou comme étant armé pour ce but, et qu'il doit par conséquent être jugé et condamné par les Cours de Justice Mixtes à établir conformément au Traité, le dit bâtiment sera, immédiatement après sa condamnation, entière-

after its condemnation, be broken up entirely, and shall be sold in separate parts after having been so broken up.

This Additional Article shall be ratified, and the ratifications thereof shall be exchanged at Stockholm, within six weeks from the day of signature, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present Additional Article, and thereunto affixed the seal of their arms.

Done at Stockholm, the fifteenth day of June, in the year of our Lord one thousand eight hundred and thirty-five.

EDWD. CROMWELL DISBROWN.  
(L.S.)

ment démolî, et les parties en seront séparément vendues après avoir été ainsi démolî.

Cet Article Additionnel sera ratifié, et les ratifications en seront échangées à Stockholm, dans l'espace de six semaines après le jour de la signature, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Article Additionnel, et y ont apposé le cachet de leurs armes.

Fait à Stockholm, le quinze Juin, l'an de Grâce mil huit cent trente-cinq.

G. COMTE DE WETTERSTEDT.  
(L.S.)

#### 4.—BRAZIL.

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##### SPECIAL ORDER.

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*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS a Convention between Great Britain and Brazil for the abolition of the African Slave Trade, was signed at Rio de Janeiro on the 23rd of November, 1826, the ratifications of which were exchanged on the 13th of March, 1827: and whereas the High Contracting Parties mutually agreed thereby, that ships of their Royal Navies, respectively furnished with the Instructions contained in Annex 2 to the Additional Convention of the 28th of July, 1817, between Great Britain and Portugal, might search and send in for trial, vessels suspected of the illegal Traffic in Slaves: and whereas we think fit that Her Majesty's ship under your command should be one of those authorized to act under the Convention with Brazil,—

We furnish you with a copy of the said Convention with Brasil, and of the said Annex to the Additional Convention with Portugal; and you are hereby expressly authorized, empowered, and ordered, to

act according to the said Convention in the suppression of the Traffic in Slaves carried on in Brasilian vessels.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To  
*Commander of Her Majesty's ship*

By command of their Lordships,  
*SIDNEY HERBERT.*

*Convention between His Majesty and the Emperor of Brazil, for the abolition of the African Slave Trade. Signed at Rio de Janeiro, November 23, 1826.*

*Ratifications exchanged in London, March 13, 1827.*

WHEREAS, upon the separation of the Empire of Brazil from the Kingdom of Portugal, His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Brazil, respectively acknowledged the obligation which devolved upon them, to renew, confirm, and give full effect to the stipulations of the Treaties subsisting between the Crowns of Great Britain and Portugal, for the regulation and final abolition of the African Slave Trade, in so far as these stipulations are binding upon Brazil:

And whereas, in furtherance of that important object, His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Brazil, are animated with a sincere desire to fix and define the period at which the total abolition of the said trade, so far as relates to the dominions and subjects of the Brasilian Empire, shall take place; their said Majesties have accordingly named as their Plenipotentiaries to conclude a convention for this purpose; that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Robert Gordon, a Member of His Majesty's Most Honourable Privy Council, and his Envoy Extraordinary and Minister Plenipotentiary at the Court of Brazil;—And His Majesty the Emperor of Brazil, the Most Illustrious and Most Excellent Marquis of Inhambupe, Senator of the Empire, of the Council of State, Minister and Secretary of State for Foreign Affairs, &c.; and the Most Illustrious and Most Excellent Marquis of Santo Amaro, Senator of the Empire, of the Council of State, Gentleman of the Imperial Chamber, &c.

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

ARTICLE I. At the expiration of three years, to be reckoned from the exchange of the ratifications of the present Treaty, it shall not

be lawful for the subjects of the Emperor of Brazil to be concerned in the carrying on of the African Slave Trade, under any pretext or in any manner whatever, and the carrying on of such trade after that period, by any person, subject of His Imperial Majesty, shall be deemed and treated as piracy.

**ARTICLE II.** His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Brazil, deeming it necessary to declare the engagements by which they hold themselves bound to provide for the regulation of the said trade, till the time of its final abolition, they hereby mutually agree to adopt and renew, as effectually as if the same were inserted, word for word, in this Convention, the several Articles and Provisions of the Treaties concluded between His Britannic Majesty and the King of Portugal on this subject, on the 22nd of January, 1815, and on the 28th of July, 1817, and the several Explanatory Articles which have been added thereto.

**ARTICLE III.** The High Contracting Parties further agree, that all the matters and things contained in those Treaties, together with the instructions and regulations, and forms of instruments annexed to the Treaty of the 28th of July, 1817, shall be applied, *mutatis mutandis*, to the said High Contracting Parties and their subjects, as effectually as if they were recited, word for word, herein; confirming and approving hereby, all matters and things done by their respective subjects under the said Treaties, and in execution thereof.

**ARTICLE IV.** For the execution of the purposes of this Convention, the High Contracting Parties further agree to appoint forthwith Mixed Commissions, after the form of those already established on the part of His Britannic Majesty and the King of Portugal, under the Convention of the 28th of July, 1817.

**ARTICLE V.** The present Convention shall be ratified, and the ratifications shall be exchanged in London within four months from the date hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Rio Janeiro, the 23rd day of November, in the year of our Lord 1826.

(L.S.) ROBT. GORDON.

(L.S.) MARQUEZ DE INHAMBUPÉ.

(L.S.) MARQUEZ DE S. AMARO.

*Treaty between Great Britain and Portugal. Signed at Vienna  
the 22nd January, 1815.*

*In the Name of the Most Holy and Undivided Trinity.*

HIS Royal Highness the Prince Regent of Portugal having, by the 10th Article of the Treaty of Alliance, concluded at Rio de Janeiro, on the 19th February, 1810, declared his determination to co-operate with His Britannic Majesty in the cause of humanity and justice, by adopt-

ing the most efficacious means for bringing about a gradual abolition of the Slave Trade ; and His Royal Highness, in pursuance of his said declaration, and desiring to effectuate, in concert with His Britannic Majesty and the other Powers of Europe, who have been induced to assist in this benevolent object, an immediate abolition of the said Traffic upon the parts of the coast of Africa which are situated to the northward of the line : His Britannic Majesty and His Royal Highness the Prince Regent of Portugal, equally animated by a sincere desire to accelerate the moment when the blessings of peaceful industry and an innocent commerce may be encouraged throughout this extensive portion of the continent of Africa, by its being delivered from the evils of the Slave Trade, have agreed to enter into a Treaty for the said purpose, and have accordingly named as their Plenipotentiaries, viz. : His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Robert Stewart, Viscount Castlereagh, K.G., his said Majesty's Principal Secretary of State for Foreign Affairs, and his Plenipotentiary at the Congress of Vienna, &c., &c., &c. ; and His Royal Highness the Prince Regent of Portugal, the Most Illustrious and Most Excellent Don Pedro de Sousa-Holstein, Count of Palmella, a Member of His Royal Highness's Council, &c., &c., &c. ; the Most Illustrious and Most Excellent Anthony de Saldanha da Gama, a Member of his Royal Highness's Council and of his Council of Finance, &c., &c., &c. ; and the Most Illustrious and Most Excellent Dom Joachim Lobo da Silveira, a Member of His Royal Highness's Council, &c., &c., &c., His Royal Highness's Plenipotentiaries at the Congress of Vienna ; who, having mutually exchanged their full powers, found in good and due form, have agreed upon the following Articles :—

ARTICLE I. That from and after the ratification of the present Treaty, and the publication thereof, it shall not be lawful for any of the subjects of the Crown of Portugal to purchase Slaves, or to carry on the Slave Trade, on any part of the coast of Africa to the northward of the Equator, upon any pretext, or in any manner whatsoever ; provided nevertheless, that the said provisions shall not extend to any ship or ships having cleared out from the ports of Brazil previous to the publication of such ratification ; and provided the voyage, in which such ship or ships are engaged, shall not be protracted beyond six months after such publication as aforesaid.

ARTICLE II. His Royal Highness the Prince Regent of Portugal hereby agrees, and binds himself, to adopt, in concert with His Britannic Majesty, such measures as may best conduce to the effectual execution of the preceding engagement, according to its true intent and meaning ; and His Britannic Majesty engages, in concert with His Royal Highness, to give such orders as may effectually prevent any interruption being given to Portuguese ships resorting to the actual dominions of the Crown of Portugal, or to the territories which are claimed in the said Treaty of Alliance, as belonging to the said Crown of Portugal, to the southward of the line, for the purposes of Trading in Slaves, as aforesaid, during such further period as the same may be permitted to be carried on by the laws of Portugal, and under the Treaties subsisting between the two Crowns.

ARTICLE III. The Treaty of Alliance concluded at Rio de Janeiro,

on the 19th February, 1810, being founded on circumstances of a temporary nature, which have happily ceased to exist, the said Treaty is hereby declared to be void in all its parts, and of no effect; without prejudice, however, to the ancient Treaties of Alliance, Friendship and Guarantee, which have long and so happily subsisted between the two Crowns, and which are hereby renewed by the High Contracting Parties, and acknowledged to be of full force and effect.

**ARTICLE IV.** The High Contracting Parties reserve to themselves, and engage to determine, by a separate Treaty, the period at which the Trade in Slaves shall universally cease, and be prohibited throughout the entire dominions of Portugal; the Prince Regent of Portugal hereby renewing his former declaration and engagement, that, during the interval which is to elapse before such general and final abolition shall take effect, it shall not be lawful for the subjects of Portugal to purchase or trade in Slaves, upon any parts of the coast of Africa, except to the southward of the line, as specified in the Second Article of this Treaty; nor to engage in the same, or to permit their flag to be used, except for the purpose of supplying the transatlantic possessions belonging to the Crown of Portugal.

**ARTICLE V.** His Britannic Majesty hereby agrees to remit, from the date at which the ratification mentioned in the 1st Article shall be promulgated, such further payments as may then remain due and payable upon the loan of £600,000, made in London for the service of Portugal, in the year 1809, in consequence of a Convention signed on the 21st of April of the same year; which Convention, under the conditions specified as aforesaid, is hereby declared to be void and of no effect.

**ARTICLE VI.** The present Treaty shall be ratified, and the ratifications shall be exchanged at Rio de Janeiro, in the space of five months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed it, and have thereunto affixed the seals of their arms.

Done at Vienna, this 22nd of January, 1815.

(Signed)

CASTLEREAGH, (L.S.)

CONDE DE PALMELLA, (L.S.)

ANTONIO DE SALDANHA DA GAMA, (L.S.)

D. JOAQUIM LOBO DA SILVEIRA, (L.S.)

#### ADDITIONAL ARTICLE.

It is agreed, that in the event of any of the Portuguese settlers being desirous of retiring from the settlements of the Crown of Portugal on the coast of Africa to the northward of the Equator, with the Negroes, *bond fide* their domestics, to some other of the possessions of the Crown of Portugal, the same shall not be deemed unlawful, provided it does not take place on board a slave-trading vessel, and provided they be furnished with proper passports and certificates, according to a form to be agreed on between the two Governments.

The present Additional Article shall have the same force and effect

as if it were inserted, word for word, in the Treaty signed this day, and shall be ratified, and the ratifications exchanged at the same time.

In witness whereof the respective Plenipotentiaries have signed it, and have thereunto affixed the seals of their arms.

Done at Vienna, this twenty-second of January, 1815.

(Signed)

CASTLEREAGH, (L.S.)

CONDE DE PALMELLA, (L.S.)

ANTONIO DE SALDANHA DA GAMA, (L.S.)

D. JOAQUIM LOBO DA SILVEIRA, (L.S.)

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*Additional Convention to the Treaty of the 22nd January, 1815, between His Britannic Majesty and His Most Faithful Majesty, for the purpose of preventing their Subjects from engaging in any illicit Traffic in Slaves. Signed at London, the 28th July, 1817.*

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the United Kingdom of Portugal, Brazil, and Algarves, adhering to the principles which they have manifested in the Declaration of the Congress of Vienna, bearing date the 8th of February, 1815, and being desirous to fulfil faithfully, and to their utmost extent, the engagements which they mutually contracted by the Treaty of the 22nd of January, 1815, and till the period shall arrive when, according to the tenour of Fourth Article of the said Treaty, His Most Faithful Majesty has reserved to himself, in concert with His Britannic Majesty, to fix the time when the Trade in Slaves shall cease entirely, and be prohibited in his dominions, and His Majesty the King of the United Kingdom of Portugal, Brazil, and Algarves, having bound himself, by the Second Article of the said Treaty, to adopt the measures necessary to prevent his subjects from all illicit Traffic in Slaves ; and His Majesty the King of the United Kingdom of Great Britain and Ireland, having, on his part, engaged, in conjunction with His Most Faithful Majesty, to employ effectual means to prevent Portuguese vessels trading in Slaves, in conformity with the laws of Portugal and the existing Treaties, from suffering any loss or hindrance from British cruizers ; their said Majesties have accordingly resolved to proceed to the arrangement of a Convention for the attainment of these objects, and have therefore named as Plenipotentiaries, *ad hoc*, viz. :—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Robert Stewart, Viscount Castlereagh, K.G., his Principal Secretary of State for Foreign Affairs, &c., &c., &c. ; and His Majesty the King of the United Kingdom of Portugal, Brazil, and Algarves, the Most Illustrious and Most Excellent Lord, Don Pedro de Souza-Holstein, Count of Palmella, Councillor of His said Majesty, Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty, &c., &c., &c. ; who, after having exchanged their respective full powers, found to be in good and due form, have agreed upon the following Articles :—

ARTICLE I. The object of this Convention is, on the part of the

two Governments, mutually to prevent their respective subjects from carrying on an illicit Slave Trade.

The two High Contracting Powers declare that they consider as illicit any Traffic in Slaves carried on under the following circumstances :

1st. Either by British ships, and under the British flag, or for the account of British subjects, by any vessel, or under any flag whatsoever.

2nd. By Portuguese vessels in any of the harbours or roads of the coast of Africa, which are prohibited by the First Article of the Treaty of the 22nd January, 1815.

3rd. Under the Portuguese or British flag for the account of the subjects of any other Government.

4th. By Portuguese vessels bound for any port not in the dominions of His Most Faithful Majesty.

ARTICLE II. The territories in which the Traffic in Slaves continues to be permitted, under the Treaty of the 22nd of January, 1815, to the subjects of His Most Faithful Majesty, are the following :

1st. The territories possessed by the Crown of Portugal upon the coast of Africa to the south of the Equator, that is to say, upon the eastern coast of Africa, the territory laying between Cape Delgado and the Bay of Lourenço Marques, and upon the western coast, all that which is situated from the 8th to the 18th degree of south latitude.

2nd. Those territories on the coast of Africa to the south of the Equator, over which His Most Faithful Majesty has declared that he has retained his rights, namely,

The territories of Molembo and Cabinda upon the eastern\* coast of Africa, from the 5th degree 12' to the 8th degree south latitude.

ARTICLE III. His Most Faithful Majesty engages, within the space of two months after the exchange of the ratifications of this present Convention, to promulgate in his capital, and in the other parts of his dominions, as soon as possible, a law which shall prescribe the punishment of any of his subjects, who may in future participate in an illicit Traffic of Slaves, and at the same time to renew the prohibition which already exists, to import Slaves into the Brazils, under any flag, other than that of Portugal ; and His Most Faithful Majesty engages to assimilate, as much as possible, the legislation of Portugal in this respect, to that of Great Britain.

ARTICLE IV. Every Portuguese vessel which shall be destined for the Slave Trade, on any point of the African coast where this traffic still continues to be lawful, must be provided with a royal passport, conformable to the model annexed to this present Convention, and which model forms an integral part of the same. The passport must be written in the Portuguese language, with an authentic translation in English annexed thereto, and it must be signed, for those vessels sailing from the port of Rio Janeiro, by the Minister of Marine ; and, for all other vessels which may be intended for the said traffic, and which may sail from any other ports of the Brazils, or from any other of the dominions of His Most Faithful Majesty not in Europe, the passports must be signed by the Governor-in-Chief of the Captaincy to

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\* See Declaration at the end of this Treaty, page 299.

which the port belongs ; and as to those vessels which may proceed from the ports of Portugal, to carry on the Traffic in Slaves, their passports must be signed by the Secretary of the Government for the Marine Department.

**ARTICLE V.** The two High Contracting Powers, for the more complete attainment of their object, namely, the prevention of all illicit Traffic in Slaves on the part of their respective subjects, mutually consent, that the ships of war of their royal navies which shall be provided with special instructions for this purpose, as hereinafter provided, may visit such merchant-vessels of the two nations as may be suspected, upon reasonable grounds, of having Slaves on board, acquired by an illicit Traffic, and (in the event only of their actually finding Slaves on board) may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified.

Provided always, that the commanders of the ships of war of the two royal navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall have received for this purpose.

As this Article is entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessels : it being understood that this indemnity shall invariably be borne by the Government whose cruizer shall have been guilty of the arbitrary detention : provided always, that the visit and detention of Slave-ships, specified in this Article, shall only be effected by those British or Portuguese vessels which may form part of the two royal navies, and by those only of such vessels which are provided with the special instructions annexed to the present Convention.

**ARTICLE VI.** No British or Portuguese cruizer shall detain any Slave-ship not having Slaves actually on board ; and in order to render lawful the detention of any ship, whether British or Portuguese, the Slaves found on board such vessel must have been brought there for the express purpose of the traffic ; and those on board Portuguese ships must have been taken from that part of the coast of Africa where the Slave Trade was prohibited by the Treaty of the 22nd of January, 1815.

**ARTICLE VII.** All ships of war of the two nations, which shall hereafter be destined to prevent the illicit Traffic in Slaves, shall be furnished by their own Government with a copy of the instructions annexed to the present Convention, and which shall be considered as an integral part thereof.

These instructions shall be written in Portuguese and English, and signed for the vessels of each of the two Powers, by the ministers of their respective marine.

The two High Contracting Parties reserve the faculty of altering the said instructions, in whole or in part, according to circumstances ; it being, however well understood, that the said alterations cannot take place but by common agreement, and by the consent of the two High Contracting Parties.

**ARTICLE VIII.** In order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having

been engaged in an illicit Traffic of Slaves, there shall be established, within the space of a year at furthest, from the exchange of the ratifications of the present Convention, two Mixed Commissions, formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns.

These Commissions shall reside, one in a possession belonging to His Britannic Majesty, the other within the territories of His Most Faithful Majesty; and the two Governments, at the period of the exchange of the ratifications of the present Convention, shall declare, each for its own dominions, in what places the Commissions shall respectively reside. Each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Commission held within its own dominions; provided, however, that one of the two Commissions shall always be held upon the coast of Africa, and the other in the Brazils.

These Commissions shall judge the causes submitted to them without appeal, and according to the regulations and instructions annexed to the present Convention, of which they shall be considered as an integral part.

**ARTICLE IX.** His Britannic Majesty, in conformity with the stipulations of the Treaty of the 22nd of January, 1815, engages to grant, in the manner hereafter explained, sufficient indemnification to all the proprietors of Portuguese vessels and cargoes captured by British cruizers, between the 1st of June, 1814, and the period at which the two Commissions pointed out in Article VIII of the present Convention, shall assemble at their respective posts.

The two High Contracting Parties agree that all claims of the nature hereinbefore mentioned, shall be received and liquidated by a Mixed Commission, to be held at London, and which shall consist of an equal number of individuals of the two nations, named by their respective Sovereigns, and upon the same principles stipulated by the Eighth Article of this Additional Convention, and by the other acts which form an integral part of the same. The aforesaid Commission shall commence their functions six months after the ratification of the present Convention, or sooner if possible.

The two High Contracting Parties have agreed that the proprietors of vessels captured by the British cruizers cannot claim compensation for a larger number of Slaves than that which, according to the existing laws of Portugal, they were permitted to transport, according to the rate of tonnage of the captured vessel.

The two High Contracting Parties are equally agreed, that every Portuguese vessel captured with Slaves on board for the Traffic, which shall be proved to have been embarked within the territories of the coast of Africa, situated to the north of Cape Palmas, and not belonging to the Crown of Portugal,—as well as all Portuguese vessels captured with Slaves on board for the Traffic, six months after the exchange of the ratifications of the Treaty of the 22nd of January, 1815, and on which it can be proved that the aforesaid Slaves were embarked in the roadsteads of the coast of Africa, situate to the north of the equator, shall not be entitled to claim any indemnification.

**ARTICLE X.** His Britannic Majesty engages to pay, within the space of a year at furthest, from the decision of each case, to the indi-

viduals having a just claim to the same, the sums which shall be granted to them by the Commissions named in the preceding Article.

**ARTICLE XI.** His Britannic Majesty formally engages to pay the 300,000*l.*, of indemnification, stipulated by the Convention of the 21st January, 1815, in favour of the proprietors of Portuguese vessels captured by British cruisers, up to the period of the 1st of June, 1814, in the manner following, viz.:—

The first payment of 150,000*l.* six months after the exchange of the ratifications of the present Convention, and the remaining 150,000, as well as the interest at five per cent. due upon the total sum, from the day of the exchange of the ratifications of the Convention of the 21st January, 1815, shall be paid nine months after the exchange of the ratifications of the present Convention. The interest due shall be payable up to the day of the last payment. All the aforesaid payments shall be made in London, to the Minister of His Most Faithful Majesty, at the Court of His Britannic Majesty, or to the persons whom His Most Faithful Majesty shall think proper to authorize for that purpose.

**ARTICLE XII.** The acts or instruments annexed to this Additional Convention, and which form an integral part thereof, are as follows:—

No. 1. Form of passport for the Portuguese merchant ships, destined for the lawful Traffic in Slaves.

No. 2. Instructions for the ships of war of both nations, destined to prevent the illicit Traffic in Slaves.

No. 3. Regulations for the Mixed Commissions, which are to hold their sittings on the coast of Africa, at the Brazils, and in London.

**ARTICLE XIII.** The present Convention shall be ratified, and the ratifications thereof exchanged at Rio Janeiro, within the space of four months at the furthest, dating from the day of its signature.

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done in London, the 28th July, 1817.

(Signed)

CASTLEREAGH, (L.S.)

CONDE DE PALMELLA, (L.S.)

*Form of Passport for Portuguese Vessels destined for the lawful Traffic in Slaves.*

(Place for the Royal Arms.)

I, Minister and Secretary of State for the Affairs of the Marine and Transatlantic Dominions, &c., &c.

(or Governor of this Province,)

(or Secretary of the Government of Portugal,)

make known to those that shall see the present passport, that the vessel called of tons, and carrying men and

passengers, Master, and Owner, Portuguese,

and subjects of the United Kingdom, is bound to the ports of and coast of from whence she is to

return to the said Master and Owner having previously

taken the required oath before the Royal Board of Commerce of this capital (or the Board of Inspection of this province,) and having legally proved that no foreigner has any share in the above vessel and cargo, as appears by the certificate of that Royal Board (or Board of Inspection), which is annexed to this passport. The said Master, and Owner of the said vessel, being under an obligation to enter solely such ports on the coast of Africa where the Slave Trade is permitted to the subjects of the United Kingdom of Portugal, Brazil, and Algarves; and to return from thence to any of the ports of this kingdom, where alone they shall be permitted to land the Slaves whom they carry, after going through the proper forms, to show that they have, in every respect, complied with the provisions of the *Alvará*, of the 24th of November, 1813, by which His Majesty was pleased to regulate the conveyance of Slaves from the coast of Africa to his dominions of Brazil. And should they fail to execute any of these conditions, they shall be liable to the penalties denounced by the *Alvará*\* of against those who shall carry on the Slave Trade in an illicit manner. And as in going or returning she may, either at sea or in port, meet officers of ships and vessels of the same kingdom, the King our Lord orders them not to give her any obstruction; and His Majesty recommends to the officers of the fleets, squadrons, and ships of the Kings, Princes, Republics, and Potentates, the friends and allies of the Crown, not to prevent her from prosecuting her voyage, but, on the contrary, to afford her any aid and accommodation she may want for continuing the same; being persuaded that those recommended by their Princes will, on our part, experience the same treatment. In testimony of which His Majesty has ordered her to be furnished by me with this passport, signed and sealed with the great seal of the royal arms, which shall have validity only for and for one voyage alone.

Given in the Palace of the of  
in the year after the birth of our Lord Jesus Christ.

(L.S.) N.

By order of his Excellency,  
the Officer who made out the Passport.

This Passport (No. ) authorizes any number of Slaves not exceeding being per ton (as permitted by the *Alvará* of†) to be on board of this ship at one time, excepting always such Slaves employed as sailors or domestics, and children born on board during the voyage.

(Signed as above, by the proper Portuguese authorities)

(Signed)

CASTLEREAGH, (L.S.)

CONDE DE PALMELLA, (L.S.)

\* This *Alvará* to be promulgated in pursuance of the Third Article of the Additional Convention of the 28th July, 1817.

† That is to say, the *Alvará* of the 24th of November, 1813, or any other Portuguese law which may hereafter be promulgated in lieu thereof.

*Instructions intended for the British and Portuguese Ships of War employed to prevent the illicit Traffic in Slaves.*

**ARTICLE I.** Every British or Portuguese ship of war shall, in conformity with Article V of the Additional Convention of this date, have a right to visit the merchant ships of either of the two Powers actually engaged, or suspected to be engaged in the Slave Trade; and should any Slaves be found on board according to the tenor of the Sixth Article of the aforesaid Additional Convention;—and as to what regards the Portuguese vessels, should there be ground to suspect that the said Slaves have been embarked on a part of the coast of Africa where the Traffic in Slaves can no longer be legally carried on, in consequence of the stipulations in force between the two High Powers: in these cases alone, the commander of the said ship of war may detain them; and having detained them, he is to bring them, as soon as possible, for judgment before that of the two Mixed Commissions appointed by the Eighth Article of the Additional Convention of this date, which shall be the nearest, or which the commander of the capturing ship shall upon his own responsibility think he can soonest reach from the spot where the Slave-ship shall have been detained.

Ships, on board of which no Slaves shall be found intended for the purposes of traffic, shall not be detained on any account or pretence whatever.

Negro servants or sailors that may be found on board the said vessels, cannot, in any case, be deemed a sufficient cause for detention.

**ARTICLE II.** No merchantman or Slave-ship can, on any account or pretence whatever, be visited or detained whilst in the port or roadstead belonging to either of the two High Contracting Powers, or within cannon-shot of the batteries on shore. But in case suspicious vessels should be found so circumstanced, proper representations may be addressed to the authorities of the country, requesting them to take effectual measures for preventing such abuses.

**ARTICLE III.** The High Contracting Powers having in view the immense extent of the shores of Africa, to the north of the Equator, along which this commerce continues prohibited, and the facility thereby afforded for illicit traffic, on points where either the total absence, or at least the distance of lawful authorities, bar ready access to those authorities, in order to prevent it, have agreed, for the more readily attaining the salutary end which they propose, to grant, and they do actually grant to each other the power, without prejudice to the rights of Sovereignty, to visit and detain, as if on the high seas, any vessel having Slaves on board, even within cannon-shot of the shore of their respective territories on the continent of Africa to the north of the Equator, in case of there being no local authorities to whom recourse may be had, as has been stated in the preceding Article. In such case, vessels so visited may be brought before the Mixed Commissions, in the form prescribed in the First Article of the preceding Instructions.

**ARTICLE IV.** No Portuguese merchantman or Slave-ship shall, on any pretence whatever, be detained, which shall be found any

where near the land, or on the high seas, south of the Equator, unless after a chase that shall have commenced north of the Equator.

ARTICLE V. Portuguese vessels furnished with a regular passport, having Slaves on board, shipped at those parts of the coast of Africa where the trade is permitted to Portuguese subjects, and which shall afterwards be found north of the Equator, shall not be detained by the ships of war of the two nations, though furnished with the present Instructions, provided the same can account for their course, either in conformity with the practice of the Portuguese navigation, by steering some degrees to the northward, in search of fair winds, or for other legitimate causes, such as the dangers of the sea, duly proved; or lastly, in the case of their passports proving that they were bound for a Portuguese port not within the continent of Africa. Provided always, that, with regard to all Slave-ships detained to the north of the Equator, the proof of the legality of the voyage is to be furnished by the vessel so detained. On the other hand, with respect to Slave-ships detained to the south of the Equator, in conformity with the stipulation of the preceding Article, the proof of the illegality of the voyage is to be exhibited by the captor.

It is in like manner stipulated, that the number of Slaves found on board a Slave-ship by the cruizers, even should the number not agree with that contained in their passport, shall not be a sufficient reason to justify the detention of the ship; but the captain and the proprietor shall be denounced in the Portuguese Tribunals in the Brazils, in order to their being punished according to the laws of the country.

ARTICLE VI. Every Portuguese vessel, intended to be employed in the legal Traffic in Slaves, in conformity with the principles laid down in the Additional Convention of this date, shall be commanded by a native Portuguese; and two-thirds, at least, of the crew shall likewise be Portuguese. Provided always, that its Portuguese or foreign construction shall in nowise affect its nationality, and that the Negro sailors shall always be reckoned as Portuguese, provided they belong, as Slaves, to subjects of the Crown of Portugal, or that they have been enfranchised in the dominions of His Most Faithful Majesty.

ARTICLE VII. Whenever a ship of war shall meet a merchant vessel liable to be searched, it shall be done in the most mild manner, and with every attention which is due between allied and friendly nations; and in no case shall the search be made by an officer holding a rank inferior to that of Lieutenant in the Navy.

ARTICLE VIII. The ships of war which may detain the Slave-ships, in pursuance of the principles laid down in the present Instructions, shall leave on board all the cargo of Negroes untouched, as well as the Captain and a part, at least, of the crew of the above-mentioned Slave-ship; the Captain shall draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it; he shall deliver to the Captain of the Slave-ship a signed certificate of the papers seized on board the said vessel, as well as of the number of Slaves found on board at the moment of detention.

The Negroes shall not be disembarked till after the vessels which contain them shall be arrived at the place where the legality of the capture is to be tried by one of the two Mixed Commissions, in order

that, in the event of their not being adjudged legal prize, the loss of the proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the voyage, the state of health of the Negroes, or other causes, required that they should be disembarked entirely, or in part, before the vessels could arrive at the place of residence of one of the said Commissions, the Commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate in proper form.

**ARTICLE IX.** No conveyance of Slaves from one port of the Brazils to another, or from the continent or islands of Africa, to the possessions of Portugal out of America, shall take place as objects of commerce, except in ships provided with passports from the Portuguese Government, *ad hoc*.

Done at London, the 28th of July, 1817.

(Signed)

CASTLEREAGH, (L.S.)

CONDE DE PALMELLA, (L.S.)

*Regulations for the Mixed Commissions, which are to reside on the Coast of Africa, in the Brazils, and at London.*

**ARTICLE I.** The Mixed Commissions to be established by the Additional Convention of this date, upon the coast of Africa and in the Brazils, are appointed to decide upon the legality of the detention of such Slave-vessels as the cruisers of both nations shall detain, in pursuance of this same Convention, for carrying on an illicit commerce in Slaves.

The above-mentioned Commissions shall judge, without appeal, according to the letter and spirit of the Treaty of the 22nd of January, 1815, and of the Additional Convention to the said Treaty, signed at London on this 28th day of July, 1817.

The Commissions shall give sentence as summarily as possible, and they are required to decide (as far as they shall find it practicable, within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside; 1st, upon the legality of the capture; 2nd, in the case in which the captured vessel shall have been liberated as to the indemnification which she is to receive.

And it is hereby provided, that in all cases the final sentence shall not be delayed on account of the absence of witnesses, or for want of other proofs, beyond the period of two months: except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the Commissioners may, at their discretion, grant an additional delay not exceeding four months.

**ARTICLE II.** Each of the above-mentioned Mixed Commissions, which are to reside on the coast of Africa, and in the Brazils, shall be composed in the following manner:—

The two High Contracting Parties shall each of them name a Commissary Judge, and a Commissioner of Arbitration, who shall be

authorized to hear and to decide without appeal, all cases of capture of Slave-vessels which, in pursuance of the stipulations of the Additional Convention of this date may be laid before them. All the essential parts of the proceedings carried on before these Mixed Commissions shall be written down in the language of the country in which the Commission may reside.

The Commissary Judges and the Commissioners of Arbitration, shall make oath, in presence of the principal magistrate of the place in which the Commission may reside, to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act, in all their decisions, in pursuance of the stipulations of the Treaty of the 22nd of January, 1815, and of the Additional Convention to the said Treaty.

There shall be attached to each Commission a Secretary or Registrar, appointed by the Sovereign of the country in which the Commission may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath, in presence of at least one of the Commissary Judges, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.

#### ARTICLE III. The form of the process shall be as follows:—

The Commissary Judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessel, and to receive the depositions on oath of the Captain and of two or three, at least, of the principal individuals on board of the detained vessel, as well as the declaration on oath of the captor, should it appear necessary, in order to be able to judge and to pronounce if the said vessel has been justly detained or not, according to the stipulations of the Additional Convention of this date, and in order that, according to this judgment, it may be condemned or liberated. And in the event of the two Commissary Judges not agreeing on the sentence they ought to pronounce, whether as to the legality of the detention or the indemnification to be allowed, or on any other question which might result from the stipulations of the Convention of this date,—they shall draw by lot the name of one of the two Commissioners of Arbitration, who, after having considered the documents of the process, shall consult with the above-mentioned Commissary Judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned Commissary Judges, and of the above-mentioned Commissioner of Arbitration.

ARTICLE IV. As often as the cargo of Slaves found on board of a Portuguese Slave-ship shall have been embarked on any point whatever of the coast of Africa, where the Slave Trade continues lawful to the subjects of the Crown of Portugal, such Slave-ship shall not be detained on pretext that the above-mentioned Slaves have been brought originally by land from any other part whatever of the continent.

ARTICLE V. In the authenticated declaration which the captor shall make before the Commission, as well as in the certificate of the papers seized, which shall be delivered to the Captain of the captured vessel, at the time of the detention, the above-mentioned captor shall be bound to declare his name, the name of his vessel, as well as the

Latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found living on board of the Slave-ship, at the time of the detention.

ARTICLE VI. As soon as sentence shall have been passed, the detained vessel, if liberated, and what remains of the cargo, shall be restored to the proprietors; who may, before the same Commission, claim a valuation of the damages which they may have a right to demand: the captor himself, and, in his default, his Government, shall remain responsible for the above-mentioned damages. The two High Contracting Parties bind themselves to defray, within the term of a year from the date of the sentence, the indemnifications which may be granted by the above-named Commission, it being understood that these indemnifications shall be at the expense of the Power of which the captor shall be a subject.

ARTICLE VII. In case of the condemnation of a vessel for an unlawful voyage, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the Slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale, for the profit of the two Governments; and as to the Slaves, they shall receive from the Mixed Commission a certificate of emancipation, and shall be delivered over to the Government on whose territory the Commission which shall have so judged them, shall be established, to be employed as servants or free labourers. Each of the two Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

ARTICLE VIII. Every claim for compensation of losses occasioned to ships suspected of carrying on an illicit Trade in Slaves, not condemned as lawful prize by the Mixed Commissions, shall be also heard and judged by the above-named Commissions, in the form provided by the Third Article of the present Regulation.

And in all cases wherein restitution shall be so decreed, the Commission shall award to the claimant or claimants, or his or their lawful attorney or attorneys, for his or for their use, a just and complete indemnification:

First, for all costs of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention; that is to say, in case of total loss, the claimant or claimants shall be indemnified,—

1st. For the ship, her tackle, apparel, and stores;

2ndly. For all freight due and payable;

3rdly. For the value of the cargo of merchandize, if any;

4thly. For the Slaves on board at the time of detention, according to the computed value of such Slaves at the place of destination, deducting therefrom the usual fair average mortality for the unexpired period of the regular voyage: deducting also for all charges and expenses payable upon the sale of such cargoes, including commission of sale when payable at such port; and

5thly. For all other regular charges in such cases of total loss; and in all other cases not of total loss, the claimant or claimants shall be indemnified,—

First, for all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable;

Secondly, a demurrage when due, according to the schedule annexed in the present Article;

Thirdly, a daily allowance for the subsistence of Slaves, of one shilling, or 180 reis for each person, without distinction of sex or age, for so many days as it shall appear to the Commission that the voyage has been or may be delayed by reason of such detention, likewise,

Fourthly, for any deterioration of cargo or Slaves;

Fifthly, for any diminution in the value of the cargo of Slaves, proceeding from an increased mortality beyond the average amount of the voyage, or from sickness occasioned by detention; this value to be ascertained by their computed price at the place of destination, as in the above case of total loss;

Sixthly, an allowance of 5 per cent. on the amount of capital employed in the purchase and maintenance of cargo, for the period of delay occasioned by the detention; and

Seventhly, for all premium of insurance on additional risks.

The claimant or claimants shall likewise be entitled to interest, at the rate of 5 per cent per annum on the sum awarded, until paid by the Government to which the capturing ship belongs; the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs, and to be liquidated at exchange current at the time of award, excepting the sum for the subsistence of Slaves, which shall be paid *at par*, as above stipulated.

The two High Contracting Parties wishing to avoid, as much as possible, every species of fraud in the execution of the Additional Convention of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the Judges of the two nations, and without having recourse to the decision of a Commissioner of Arbitration, that the captor had been led into error by a voluntary and reprehensible fault on the part of the captain of the detained ship, in that case only, the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article.

*Schedule of demurrage or daily allowance for a vessel of*

100 tons to 120 inclusive,	£5	per diem,
121 ditto — 150 ditto,	6	
151 ditto — 170 ditto,	8	
171 ditto — 200 ditto,	10	
201 ditto — 220 ditto,	11	
221 ditto — 250 ditto,	12	
251 ditto — 270 ditto,	14	
271 ditto — 300 ditto,	15	

and so on in proportion.

ARTICLE IX. When the proprietor of a ship suspected of carrying on an illicit Trade in Slaves, released in consequence of a sentence of one of the Mixed Commissions (or in the case, as above mentioned, of total loss), shall claim indemnification for the loss of Slaves which

he may have suffered, he shall in no case be entitled to claim for more than the number of Slaves which his vessel was, by the Portuguese laws, authorized to carry, which number shall always be declared in his passport.

**ARTICLE X.** The Mixed Commission established in London by Article IX. of the Convention of this date, shall hear and determine all claims for Portuguese ships and cargoes, captured by British cruisers on account of the unlawful trading in Slaves, since the 1st of June, 1814, till the period when the Convention of this date is to be in complete execution; awarding to them, conformably to Article IX. of the Additional Convention of this date, a just and complete compensation, upon the basis laid down in the preceding Articles, either for total loss, or for losses and damages sustained by the owners and proprietors of the said ships and cargoes. The said Commission established in London shall be composed and shall proceed exactly upon the basis determined in Articles I., II., and III., of the present Regulation for the Commissions established on the coast of Africa and the Brazils.

**ARTICLE XI.** It shall not be permitted to any of the Commissary Judges, nor to the Arbitrators, nor to the Secretary of any of the Mixed Commissions, to demand or receive, from any one of the parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present Regulation.

**ARTICLE XII.** When the parties interested shall imagine they have cause to complain of any evident injustice on the part of the Mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence: for removing, when they think fit, the individuals who may compose these Commissions.

**ARTICLE XIII.** In the case of a vessel detained unjustly, under pretence of the stipulations of the Additional Convention of this date, and in which the captor should neither be authorized by the tenour of the above-mentioned Convention, nor of the Instructions annexed to it, the Government to which the detained vessel may belong, shall be entitled to demand reparation; and in such case the Government to which the captor may belong binds itself to cause the subject of complaint to be fully examined, and to inflict upon the captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

**ARTICLE XIV.** The two High Contracting Parties have agreed, that in the event of the death of one or more of the Commissary Judges, and Arbitrators composing the above-mentioned Mixed Commissions, their posts shall be supplied, *ad interim*, in the following manner: on the part of the British Government, the vacancies shall be filled successively, in the Commission which shall sit within the possessions of His Britannic Majesty, by the Governor or Lieutenant-Governor resident in that colony, by the principal Magistrate of the place, and by the Secretary; and in the Brazils, by the British Consul and Vice-Consul, resident in the city in which the Mixed Commission may be established.

On the part of Portugal, the vacancies shall be supplied, in the

Brazils, by such persons as the Captain-General of the province shall name for that purpose; and, considering the difficulty which the Portuguese Government would feel in naming fit persons to fill the posts which might become vacant in the Commission established in the British possessions, it is agreed, that in the case of the death of the Portuguese Commissary Judge, or Arbitrator, in those possessions, the remaining individuals of the above-mentioned Commission shall be equally authorized to proceed to the judgment of such Slave-ships as may be brought before them, and to the execution of their sentence. In this case alone, however, the parties interested shall have the right of appealing from the sentence, if they think fit, to the Commission resident in the Brazils; and the Government to which the captor shall belong shall be bound fully to defray the indemnification which shall be due to them, if the appeal be judged in favour of the claimants; it being well understood that the ship and cargo shall remain, during this appeal, in the place of residence of the first Commission before whom they may have been conducted.

The High Contracting Parties have agreed to supply, as soon as possible, every vacancy that may arise in the above-mentioned Commissions from death or any other contingency. And in case that the vacancy of each of the Portuguese Commissioners residing in the British possessions, be not supplied at the end of six months, the vessels which are taken there to be judged, after the expiration of that time, shall no longer have the right of appeal hereinbefore stipulated.

Done at London, the 28th of July, 1817.

(Signed)

CASTLEREAGH, (L.S.)

CONDE DE PALMELLA, (L.S.)

#### SEPARATE ARTICLE.

As soon as the total abolition of the Slave Trade, for the subjects of the Crown of Portugal, shall have taken place, the two High Contracting Parties hereby agree, by common consent, to adapt to that state of circumstances, the stipulations of the Additional Convention concluded at London, the 28th of July last; but in default of such alterations, the Additional Convention of that date shall remain in force until the expiration of fifteen years from the day on which the general abolition of the Slave Trade shall so take place, on the part of the Portuguese Government.

The present Separate Article shall have the same force and validity as it were inserted, word for word, in the Additional Convention aforesaid. It shall be ratified, and the ratifications shall be exchanged as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have thereunto affixed the seals of their arms.

Done at London, this 11th September, 1817.

(Signed)

CASTLEREAGH, (L.S.)

CONDE DE PALMELLA, (L.S.)

## DECLARATION.

WHEREAS a Convention, having for its object the prevention of the illicit Traffic in Slaves, was concluded between His Britannic Majesty and His Most Faithful Majesty, and signed at London on the 28th of July, 1817:

And whereas by the Second Article of that Convention, the Traffic in Slaves was declared still to be permitted to Portuguese subjects, only within certain territories therein described:

And whereas the territories of Molembo and Cabinda are described by that Article to be on the eastern coast of Africa; and whereas this description is evidently a verbal mistake, the said territories of Molembo and Cabinda lying in fact upon the western and not upon the eastern coast of Africa:—

It is hereby declared, by the Undersigned, that the word eastern, in that part of the Second Article above alluded to, shall be held to be annulled, and the word western to stand in its place; and the latter part of the Article in question shall accordingly be held to run thus:—

“The territories of Molembo and Cabinda, upon the western coast of Africa, from the fifth degree twelve minutes, to the eighth degree south latitude.”

It was further agreed between the Undersigned, that the present Declaration shall be considered as an integral part of the said Convention.

In witness and in faith of the above, the Undersigned, His Britannic Majesty's Secretary of State for Foreign Affairs, and His Most Faithful Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James's, have hereunto set their hands and seals, at London, this 3rd day of April, 1819.

(Signed)

CASTLEREAGH, (L.S.)

CONDE DE PALMELLA, (L.S.)

*Additional Articles to the Convention between Great Britain and Portugal relative to the Slave Trade. Lisbon, 15th March, 1823.*

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the United Kingdom of Portugal, Brazil, and Algarves, wishing to remove every obstacle to the faithful execution of the Convention signed in London, by their respective Plenipotentiaries, on the 28th of July, 1817, for the purpose of preventing their subjects from engaging in any illicit Traffic in Slaves; and seeing the necessity of adding, to that intent, certain Articles to the said Convention, have, for this purpose, named their Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland, Edward Michael Ward, Esquire, his Chargé d'Affaires at the Court of Lisbon; and—

His Majesty the King of the United Kingdom of Portugal, Brazil, and Algarves, Jose Basilio Rademaker, Chief Clerk of the Department of State for Foreign Affairs, &c.

Who, after having exchanged their respective full powers, found to be in good and due form, have agreed upon the following Articles:—

ARTICLE I. Whereas it is stated in the 1st Article of the Instructions intended for the British and Portuguese ships of war employed to prevent the illicit Traffic in Slaves, that "ships on board of which no Slaves shall be found, intended for purposes of traffic, shall not be detained on any account or pretence whatever;" and whereas it has been found by experience, that vessels employed in the illegal traffic have put their Slaves momentarily on shore, immediately prior to their being visited by ships of war, and that such vessels have thus found means to evade forfeiture, and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Convention of the 28th of July, 1817; the two High Contracting Parties, therefore, feel it necessary to declare, and it is hereby declared by them, that if there shall be clear and undeniable proof that a Slave or Slaves of either sex has or have been put on board a vessel for the purpose of illegal traffic, in the particular voyage on which the vessel be captured, then, and on that account, according to the true intent and meaning of the stipulations of the above-mentioned Convention, such vessel shall be detained by the cruisers, and finally condemned by the Commissioners.

ARTICLE II. Inasmuch as the Convention of the 28th of July, 1817, does not stipulate the mode of supplying the absence of the Commissioners, occurring from any other cause besides that of death, which is the only case provided for by the 14th Article of the Regulation for the Mixed Commissions, annexed to the said Convention; the two High Contracting Parties have agreed that, in the event of the recall, or of the absence on account of illness, or any other unavoidable cause, of any of the Commissary Judges or Arbitrators; or in the case of their absence in consequence of leave from their Government, (which must be notified to the respective Commission,) their posts shall be supplied in the same form and manner as is determined for the case of death, by the above-mentioned 14th Article of the said Regulation.

These Additional Articles shall have the same force and effect as if they were inserted, word for word, in the said Convention, and shall be considered as forming a part of the same; they shall be ratified and the ratifications thereof exchanged in Lisbon, within three months, at latest, after the date of their signature.

In witness whereof the Undersigned, being furnished with full powers to that effect, have signed these Articles, and affixed thereunto the seals of their arms.

Done at Lisbon, this fifteenth day of March, in the year of our Lord one thousand eight hundred and twenty-three.

(L.S.) E. M. WARD. (L.S.) JOSE BAZILIO RADEMAKER.

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## 5. FRANCE.

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### SPECIAL ORDER.

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*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS, in a Convention between Great Britain and France, signed at Paris on the 30th of November, 1831, for the suppression of the Slave Trade, it was stipulated that certain cruisers belonging to one or the other of the said two countries respectively, should be authorized under Special Instructions therein mentioned, to visit and detain, within particular limits, merchant-vessels of the other nation, engaged in the Traffic in Slaves, or suspected of being fitted out for that traffic ; and a Supplementary Convention was further concluded between the same countries, on the 22nd of March, 1833, for the purpose of explaining and developing some of the provisions of the before-mentioned Convention, to which Supplementary Convention are annexed certain Instructions to the Cruisers to be employed on the service alluded to : and whereas we think fit that the vessel you command shall be one of the British Cruisers furnished with the said Special Instructions,—

We herewith transmit to you copies of the principal Convention of the 30th November, 1831 ; of the Supplementary Convention of the 22nd March, 1833 ; and of the annexed Instructions hereinbefore referred to ; and you are accordingly authorized and empowered, *by virtue of this present Order, and of the accompanying Warrant from the Government of His Majesty the King of the French*, to visit merchant-vessels under the French flag, suspected of being engaged in the Traffic in Slaves, within the limits set forth in the 1st Article of the Convention of the 30th November, 1831, (with the conditional extension therein explained,) and to deal with such as shall have engaged in a Traffic in Slaves, or shall be suspected of being fitted out for that traffic, as pointed out in those several documents ; and we charge and require you to conform most strictly to all the provisions and stipulations contained therein, taking care to exercise the authority so conferred upon you, in the mildest manner, and with every attention which is due between allied and friendly nations, and to co-operate cordially with the Commanders of any French vessels of war employed in the same service.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To  
Commander of Her Majesty's ship  
on the station.

By command of their Lordships,  
SIDNEY HERBERT.

*Convention between His Majesty and the King of the French, for  
the more effectual suppression of the Traffic in Slaves.  
Signed at Paris, 30th November, 1831.*

THE Courts of Great Britain and of France being desirous of rendering more effectual the means of suppression which have hitherto been in force against the criminal traffic known under the name of the Slave Trade, they have deemed it expedient to negotiate and conclude a Convention for the attainment of so salutary an object; and they have to this end named as their Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable the Lord Viscount Granville, Peer of Parliament, Member of the Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, Ambassador Extraordinary and Plenipotentiary at the Court of France;

And His Majesty the King of the French the Lieutenant-General Count Horace Sebastiani, Grand-Cross of the Order of the Legion of Honour, Member of the Chamber of Deputies of the Departments, and Minister and Secretary of State for the Department of Foreign Affairs;

Who, after having exchanged their full powers, found to be in due form, have signed the following Articles:—

ARTICLE I. The mutual right of search may be exercised on board the vessels of each of the two nations, but only within the waters hereinafter described, namely:—

1°. Along the western coast of Africa, from Cape Verde to the distance of ten degrees to the south of the equator; that is to say,—from the tenth degree of

Les Cours de la Grande Bretagne et de France désirant rendre plus efficaces les moyens de répression jusqu'à présent opposés au trafic criminel connu sous le nom de Traite des Noirs, ont jugé convenable de négocier et conclure une convention pour atteindre un but si salutaire, et elles ont à cet effet nommé pour leurs Plénipotentiaires, savoir:

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Vice-Comte Granville, Pair du Parlement, Membre du Conseil Privé, Chevalier Grand-Croix du Très Honorable Ordre du Bain, Ambassadeur Extraordinaire et Plénipotentiaire près la Cour de France;

Et Sa Majesté le Roi des Français, le Lieutenant-Général Comte Horace Sebastiani, Grand-Croix de l'Ordre de la Légion d'Honneur, Membre de la Chambre des Députés des Départemens, et Ministre et Secrétaire d'Etat au Département des Affaires Etrangères;

Lesquels, après avoir échangé leurs plein-pouvoirs, trouvés en bonne forme, ont signé les Articles suivans:—

ARTICLE I. Le droit de visite réciproque pourra être exercée à bord des navires de l'une et de l'autre nation, mais seulement dans les parages ci-après indiqués, savoir:

1°. Le long de la côte occidentale d'Afrique, depuis le Cap Verd jusqu'à la distance de 10 degrés au sud de l'équateur;—c'est à dire, du 10me degré de

South latitude to the fifteenth degree of north latitude, and as far as the thirtieth degree of west longitude, reckoning from the meridian of Paris.

2°. All round the Island of Madagascar, to the extent of twenty leagues from that island.

3°. To the same distance from the coasts of the Island of Cuba.

4°. To the same distance from the coasts of the Island of Porto Rico.

5°. To the same distance from the coasts of Brazil.

It is however understood, that a suspected vessel descried, and begun to be chased by the cruisers whilst within the said space of twenty leagues, may be searched by them beyond those limits, if, without having ever lost sight of her, they should only succeed in coming up with her at a greater distance from the coast.

ARTICLE II. The right of searching merchant vessels of either of the two nations in the waters hereinbefore mentioned, shall be exercised only by ships of war, whose commanders shall have the rank of captain, or at least that of lieutenant, in the navy.

ARTICLE III. The number of ships to be invested with this right shall be fixed each year, by a special agreement; the number for each nation need not be the same, but in no case shall the number of the cruisers of the one nation be more than double the number of the cruisers of the other.

ARTICLE IV. The names of the ships and of their commanders shall be communicated by each of the contracting Governments to the other, and information shall be reciprocally given of all changes which may take place in the cruisers.

latitude méridionale au 15<sup>e</sup> degré de latitude septentrionale, et jusqu'au 30<sup>e</sup> degré de longitude occidentale à partir du méridien de Paris.

2°. Tout autour de l'Ile de Madagascar dans une zone d'environ 20 lieues de largeur.

3°. A la même distance des côtes de l'Ile de Cuba.

4°. A la même distance des côtes de l'Ile de Porto Rico.

5°. A la même distance des côtes du Brésil.

Toutefois il est entendu qu'un bâtiment suspect, aperçu et poursuivi par les croiseurs en-dedans du dit cercle de 20 lieues pourra être visité par eux en-dehors même de ces limites, si ne l'ayant jamais perdu de vue, ceux-ci ne parviennent à l'atteindre qu'à une plus grande de la côte.

ARTICLE II. Le droit de visiter les navires de commerce de l'une et de l'autre nation, dans les parages ci-dessus indiqués, ne pourra être exercé que par des bâtiments de guerre dont les commandants auront le grade de capitaine, ou au moins celui de lieutenant de vaisseau.

ARTICLE III. Le nombre des bâtiments à investir de ce droit sera fixé chaque année, par une convention spéciale; il pourra n'être pas le même pour l'une et l'autre nation, mais dans aucun cas, le nombre des croiseurs de l'une ne devra être de plus du double de celui des croiseurs de l'autre.

ARTICLE IV. Les noms des bâtiments, et ceux de leurs commandants, seront communiqués par chacun des Gouvernemens contractans à l'autre, et il sera donné réciprocement avis de toutes les mutations qui pourront survenir parmi les croiseurs.

**ARTICLE V.** Instructions shall be drawn up and agreed upon in common by the two Governments for the cruizers of both nations, which cruizers shall afford to each other mutual assistance in all circumstances in which it may be useful that they should act in concert.

The ships of war authorized to exercise the reciprocal right of search shall be furnished with special authority from each of the two Governments.

**ARTICLE VI.** Whenever a cruizer shall have chased and overtaken a merchant vessel as liable to suspicion, the commanding officer, before he proceeds to the search, shall exhibit to the captain of the merchant vessel the special orders which confer upon him, by exception, the right to visit her; and in case he shall ascertain the ship's papers to be regular, and her proceedings lawful, he shall certify upon the log-book of the vessel that the search took place only in virtue of the said order. These formalities having been completed, the vessel shall be at liberty to continue her course.

**ARTICLE VII.** The vessels captured for being engaged in the Slave Trade, or as being suspected of being fitted out for that infamous traffic, shall, together with their crews, be delivered over without delay to the jurisdiction of the nation to which they belong.

It is furthermore distinctly understood that they shall only be judged according to the laws in force in their respective countries.

**ARTICLE VIII.** In no case shall the right of mutual search be exercised upon the ships of war of either nation.

The two Governments shall agree upon a particular signal,

**ARTICLE V.** Des instructions seront rédigées et arrêtées en commun par les deux Gouvernemens pour les croiseurs de l'une et de l'autre nation, qui devront se prêter une mutuelle assistance dans toutes les circonstances où il pourra être utile qu'ils agissent de concert.

Les bâtimens de guerre réciproquement autorisés à exercer la visite, seront munis d'une autorisation spéciale de chacun des deux Gouvernemens.

**ARTICLE VI.** Toutes les fois qu'un des croiseurs aura poursuivi et atteindra, comme suspect, un navire de commerce, le commandant, avant de procéder à la visite, devra montrer au capitaine les ordres spéciaux qui lui confèrent le droit exceptionnel de le visiter; et lorsqu'il aura reconnu que les expéditions seront régulières, et les opérations licites, il fera constater sur le journal du bord, que la visite n'a eu lieu qu'en vertu des dits ordres. Ces formalités étant remplies, le navire sera libre de continuer sa route.

**ARTICLE VII.** Les navires capturés pour s'être livrés à la Traite ou comme soupçonnés d'être armés pour cet infâme trafic, seront, ainsi que leurs équipages, remis sans délai à la juridiction de la nation à laquelle ils appartiendront.

Il est d'ailleurs bien entendu qu'ils seront jugés d'après les loix en vigueur dans leurs pays respectifs.

**ARTICLE VIII.** Dans aucun cas le droit de visite réciproque ne pourra s'exercer à bord des bâtimens de guerre de l'une et de l'autre nation.

Les deux Gouvernemens conviendront d'un signal spécial, dont

with which those cruisers only shall be furnished which are invested with this right, and which signal shall not be made known to any other ship not employed upon this service.

**ARTICLE IX.** The High Contracting Parties to the present Treaty agree to invite the other Maritime Powers to accede to it within as short a period as possible.

**ARTICLE X.** The present Convention shall be ratified, and the ratifications of it shall be exchanged within one month, or sooner if it be possible.

In faith of which the Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done at Paris, the 30th November, 1831.

(L.S.) GRANVILLE.

(L.S.) HORACE SEBASTIANI.

les seuls croiseurs investis de ce droit devront être pourvus, et dont il ne sera donné connaissance à aucun autre bâtiment étranger à la croisière.

**ARTICLE IX.** Les Hautes Parties Contractantes au présent Traité sont d'accord pour inviter les autres Puissances Maritimes à y accéder dans le plus bref délai possible.

**ARTICLE X.** La présente Convention sera ratifiée, et les ratifications en seront échangées dans le délai d'un mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires ont signé la présente Convention, et y ont apposé le sceau de leurs armes.

Fait à Paris, le 30 Novembre, 1831.

(L.S.) GRANVILLE.

(L.S.) HORACE SEBASTIANI.

*Supplementary Convention between His Majesty and the King of the French, for the more effectual suppression of the Traffic in Slaves. Signed at Paris, March 22nd, 1833.*

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having felt the necessity of developing some of the clauses contained in the Convention which was signed between their Majesties on the 30th November, 1831, relating to the suppression of the crime of Slave Trade, have named as their Plenipotentiaries for this purpose, to wit:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, The Right Honourable Granville, Viscount Granville, Peer of the United Kingdom, Knight Grand Cross of the Most Honourable Order of the

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant reconnu la nécessité de développer quelques unes des clauses contenues dans la Convention signée entre leurs Majestés le 30 Novembre, 1831, relativement à la répression du crime de la Traite des Noirs, ont nommé pour leurs Plénipotentiaires à cet effet, savoir:—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, le Très Honorable Granville, Vicomte Granville, Pair du Royaume Uni, Chevalier Grand-Croix du Très Honorable Ordre du Bain, Membre du Conseil

Bath, Member of the Privy Council of His Britannic Majesty, and his Ambassador Extraordinary and Plenipotentiary to the Court of France;

And His Majesty the King of the French, M. Charles Léonce Achille Victor, Duke de Broglie, Peer of France, Knight of the Royal Order of the Legion of Honour, Minister and Secretary of State for the Department of Foreign Affairs:—

Who, after having exchanged their powers, which have been found in good and due form, have agreed on the following Articles:—

**ARTICLE I.** Whenever a merchant vessel, navigating under the flag of one of the two nations, shall have been detained by the cruisers of the other, duly authorized to that effect, conformably to the provisions of the Convention of the 30th November, 1831, such merchant vessel, as also her master, her crew, her cargo, and the Slaves who may be on board, shall be carried to such places as shall have been appointed by the Contracting Parties respectively, in order that proceedings may be there instituted respecting them, agreeably to the laws of each country, and they shall be delivered over to the Authorities appointed for that purpose by the respective Governments.

When the Commander of the cruiser shall not think proper to take upon himself the carrying in and delivering up the detained vessel, he shall not entrust that duty to an Officer below the rank of Lieutenant in the Navy.

**ARTICLE II.** The cruisers of the two nations authorized to exercise the right of visit and detention, in execution of the Convention of the 30th of November, 1831, shall, in all that relates to the formalities

Privé de Sa Majesté Britannique, et son Ambassadeur Extraordinaire et Plénipotentiaire près la Cour de France;

Et Sa Majesté le Roi des Français, M. Charles Léonce Achille Victor, Duc de Broglie, Pair de France, Chevalier de l'Ordre Royal de la Légion d'Honneur, Ministre et Secrétaire d'Etat au Département des Affaires Etrangères:—

Lesquels, après s'être communiqué leurs pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:—

**ARTICLE I.** Toutes les fois qu'un bâtiment de commerce, naviguant sous le pavillon de l'une des deux nations, aura été arrêté par les croiseurs de l'autre, dûment autorisés à cet effet, conformément aux dispositions de la Convention du 30 Novembre, 1831, ce bâtiment, ainsi que le capitaine et l'équipage, la cargaison, et les Esclaves qui pourront se trouver à bord, seront conduits dans tel port que les deux Parties Contractantes auront respectivement désigné, pour qu'il y soit procédé à leur égard suivant les loix de chaque état, et la remise en sera faite aux Autorités préposées dans ce but par les Gouvernemens respectifs.

Lorsque le Commandant du croiseur ne croira pas devoir se charger lui-même de la conduite et de la remise du navire arrêté, il ne pourra en confier le soin à un Officer, d'un rang inférieur à celui de Lieutenant dans la marine militaire.

**ARTICLE II.** Les croiseurs des deux nations, autorisés à exercer le droit de visite et d'arrestation, en exécution de la Convention du 30 Novembre, 1831, se conformeront exactement, en ce qui ces

of the visit and of the detention, as well as to the measures to be taken for delivering up vessels suspected of being engaged in the Slave Trade, to the respective Jurisdictions, conform strictly to the Instructions annexed to the present Convention, and which shall be considered as an integral part thereof.

The two High Contracting Parties reserve to themselves the power of making, in these Instructions, by common consent, any modifications which circumstances might render necessary.

**ARTICLE III.** It is clearly understood, that if the Commander of a cruiser of one of the two nations should have reason to suspect, that a merchant vessel navigating under convoy of, or in company with, a vessel of war of the other nation, has engaged in the Slave Trade, or has been fitted out for the said trade, he is to make known his suspicions to the Commander of the convoy or vessel of war, who shall proceed alone to visit the suspected vessel; and in case the latter Commander should find that the suspicion is well founded, he shall cause the vessel to be taken, together with her master, her crew, and the cargo, and the Slaves who may be on board, into a port of his own nation, in order that proceedings may be instituted with regard to them, agreeably to the respective laws.

**ARTICLE IV.** As soon as any merchant vessel, detained and sent before the Tribunals aforesaid, shall arrive at one of the ports respectively pointed out, the Commander of the cruiser which shall have detained her, or the Officer appointed to bring her in, shall deliver to the Authorities appointed for that purpose, one copy, signed by him, of all the lists, declarations, and other documents

cerner les formalités de la visite et de l'arrestation, ainsi que les mesures à prendre pour la remise à la Juridiction respective des bâtiments soupçonnés de se livrer à la traite, aux Instructions jointes à la présente Convention, et qui seront censées en faire partie intégrante.

Les deux Hantes Parties Contractantes se réservent d'apporter à ces Instructions, d'un commun accord, les modifications que les circonstances pourraient rendre nécessaires.

**ARTICLE III.** Il demeure expressément entendu, que si le Commandant d'un croiseur d'une des deux nations avait lieu de soupçonner qu'un navire marchand, naviguant sous le convoi, ou en compagnie d'un bâtiment de guerre de l'autre nation, s'est livré à la Traite, ou a été armé pour ce trafic, il devra communiquer ses soupçons au Commandant du convoi ou du bâtiment de guerre, lequel procédera seul à la visite du navire suspect; et dans le cas où celui-ci reconnaîtrait que les soupçons sont fondés, il fera conduire le navire, ainsi que le capitaine et l'équipage, la cargaison, et les Esclaves qui pourront se trouver à bord, dans un port de sa nation, à l'effet d'être procédé à leur égard, conformément aux loix respectives.

**ARTICLE IV.** Dès qu'un bâtiment de commerce, arrêté et renvoyé par devers les Tribunaux, ainsi qu'il a été dit ci-dessus, arrivera dans l'un des ports respectivement désignés, le Commandant du croiseur qui en aura opéré l'arrestation, ou l'Officier chargé de sa conduite, remettra aux Autorités préposées à cet effet, une expédition, signée par lui, de tous les inventaires, procès-verbaux, et au-

specified in the Instructions annexed to the present Convention; and the said Authorities shall, in consequence, proceed to a survey of the detained vessel and her cargo, and to an inspection of her crew, and of the Slaves who may be on board, after having previously given notice of the time of such survey and inspection to the commander of the cruiser, or to the officer who shall have brought in the vessel, in order that he, or some person in his behalf, may be present thereat. A declaration (*procès-verbal*) of these proceedings shall be drawn up in duplicate, signed by the persons who shall have acted therein, or been present at the same; and one of the said declarations shall be delivered to the commander of the cruiser, or to the officer who shall have been appointed to bring in the detained vessel.

ARTICLE V. The vessels detained as before-mentioned, their masters, crews and cargoes, shall be forthwith proceeded against before the proper Tribunals in the respective countries, according to the established forms; and if, in consequence of such proceedings, the said vessels shall be found to have been employed in the Slave Trade, or to have been fitted out for the purposes thereof, the master, the crew, and the accomplices, as well as the ship and cargo, shall be dealt with conformably to the respective laws of the two countries.

In case the said vessels shall be confiscated, a portion of the proceeds arising from their sale shall be paid into the hands of the Government to which the captor belongs, to be distributed among the officers and crew of the capturing ship. This portion shall be sixty-five per cent. of the net produce of the sale, as long as such a dis-

tres documens spécifiés dans les Instructions jointes à la présente Convention; et les dites Autorités procèderont, en conséquence, à la visite du bâtiment arrêté et de sa cargaison, ainsi qu'à l'inspection de son équipage, et des Esclaves qui pourront se trouver à bord, après avoir préalablement donné avis du moment de cette visite et de cette inspection au commandant du croiseur, ou à l'officier qui aura amené le navire, afin qu'il puisse y assister, ou s'y faire représenter. Il sera dressé de ces opérations un procès-verbal en double original, qui devra être signé par les personnes qui y auront procédé ou assisté; et l'un de ces originaux sera délivré au commandant du croiseur, ou à l'officier qui aura été chargé de la conduite du bâtiment arrêté.

ARTICLE V. Il sera procédé immédiatement devant les Tribunaux compétents des états respectifs, et suivant les formes établies, contre les navires arrêtés, ainsi qu'il est dit ci-dessus, leurs capitaines, équipages, et cargaisons; et s'il résulte de la procédure que les dits bâtimens sont été employés à la Traite des Noirs, ou qu'ils ont été armés dans le but de faire ce trafic, il sera statué sur le sort du capitaine, de l'équipage, et de leurs complices, ainsi que sur la destination du bâtiment et de sa cargaison, conformément à la législation respective des deux pays.

En cas de confiscation, une portion du produit net de la vente des dits navires et de leurs cargaisons sera mise à la disposition du Gouvernement du pays auquel appartiendra le bâtiment capteur, pour être distribuée par ses soins entre les états-majors et équipages de ce bâtiment. Cette portion, aussi long-tems que la base indiquée ci-

tribution of the proceeds is consistent with the respective laws of the two countries.

ARTICLE VI. Any merchant vessel of either of the two nations visited and detained in pursuance of the Convention of the 30th of November, 1831, and of the provisions hereinbefore recited, shall, unless proof be given to the contrary, be held and taken of right to have engaged in the Slave Trade, or to have been fitted out for the purposes of such traffic, if any of the particulars hereinafter specified shall be found in her outfit or equipment, or on board of her, *videlicet*:-

1°. Having her hatches fitted with open gratings, instead of being close hatches, as usual in merchant vessels.

2°. Having more divisions or bulks-heads in the hold or on deck, than necessary for trading vessels.

3°. Having on board spare planks, either actually fitted in that shape, or fit for readily laying a second or moveable deck, or slave deck.

4°. Having on board shackles, bolts, or hand-cuffs.

5°. Having on board a supply of water, more than sufficient for the consumption of her crew, as a merchant vessel.

6°. Having on board an unreasonable number of water casks, or other vessels for holding water, unless the master shall produce a certificate from the custom-house from the place at which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel, that such casks or other vessels should only be used for the reception of palm-oil, or be employed in any other lawful trade.

7°. Having on board a greater

après pourra se concilier avec la législation des deux états, sera de 65 pour cent du produit net de la vente.

ARTICLE VI. Tout bâtiment de commerce des deux nations visité et arrêté en vertu de la Convention du 30 Novembre, 1831, et des dispositions ci-dessus, sera présumé de plein droit, à moins de preuve contraire, s'être livré à la Traite des Noirs, ou avoir été armé pour ce trafic, si dans l'installation, dans l'armement, ou à bord du dit navire, il s'est trouvé l'un des objets ci-après spécifiés, savoir:—

1°. Des écoutilles en treillis, et non en planches entières, comme les portent ordinairement les bâtiments de commerce.

2°. Un plus grand nombre de compartimens dans l'entre pont, ou sur le tillac, qu'il n'est d'usage pour les bâtiments de commerce.

3°. Des planches en réserve actuellement disposées à cet objet, ou propres à établir de suite un double pont, ou un pont volant, ou un pont dit à esclaves.

4°. Des chaînes, des colliers de fer, des menottes.

5°. Une plus grande provision d'eau que n'exigent les besoins de l'équipage d'un bâtiment marchand.

6°. Une quantité superfuse de barriques à eau, ou autres tonneaux propres à contenir de l'eau, à moins que le capitaine ne produise un certificat de la douane du lieu de départ, constatant que les armateurs ont donné des garanties suffisantes pour que ces barriques ou tonneaux soient uniquement remplis d'huile de palme, ou employés à tout autre commerce licite.

7°. Un plus grand nombre de

quantity of mess tubs or kids, than requisite for the use of her crew as a merchant vessel.

8° Having on board two or more copper boilers, or even one evidently larger than requisite for the use of her crew as a merchant vessel.

9° Having on board a quantity of rice or farinha, flour of the manioc of Brazil, or cassada, or maize, or Indian corn, beyond any probable requisite provision for the use of her crew, and such rice, flour, maize, or Indian corn, not being entered on the manifest as part of the cargo for trade.

**ARTICLE VII.** No compensation shall in any case be granted either to the master, or to the owner, or to any other person interested in the equipment or lading of a merchant vessel in which any of the particulars specified in the preceding Article shall be found, even if the Tribunals should not pronounce any condemnation in consequence of her detention.

**ARTICLE VIII.** When a merchant vessel of either of the two nations shall have been visited and detained illegally, or without sufficient cause of suspicion, or when the visit and detention shall have been attended with any abuse or vexatious acts, the commander of the cruiser, or the officer who shall have boarded the said vessel, or the officer who shall have been appointed to bring her in, as the case may be, shall be liable to costs and damages to the master, and to the owners of the vessel and cargo.

These costs and damages may be awarded by the Tribunal before which the proceedings against the detained vessel, her master, crew, and cargo, shall have been instituted: and the Government of

gamelles ou de bidons, que l'usage de l'équipage d'un bâtiment marchand n'en exige.

8° Deux ou plusieurs chaudières en cuivre, ou même une seule évidemment plus grande que ne l'exigent les besoins de l'équipage d'un bâtiment marchand.

9° Enfin, une quantité de riz, de farine, de manioc du Brésil, ou de cassade, de maïs, ou de blé des Indes, au-delà des besoins probables de l'équipage, et qui ne serait pas portée sur le manifeste comme faisant partie du chargement commercial du navire.

**ARTICLE VII.** Il ne sera dans aucun cas accordé de dédommagement, soit au capitaine, soit à l'armateur, soit à toute autre personne intéressée dans l'armement ou dans le chargement d'un bâtiment de commerce qui aura été trouvé muni d'un des objets spécifiés dans l'Article précédent, alors même que les Tribunaux viendraient à ne prononcer aucune condamnation en conséquence de son arrestation.

**ARTICLE VIII.** Lorsqu'un bâtiment de commerce de l'une ou de l'autre des deux nations aura été visité et arrêté indûment, ou sans motif suffisant de suspicion, ou lorsque la visite et l'arrestation auront été accompagnées d'abus ou de vexations, le commandant du croiseur, ou l'officier qui aura abordé le dit navire, ou, enfin, celui à qui la conduite en aura été confiée, sera, suivant les circonstances, passible de dommages et intérêts envers le capitaine, l'armateur, et les chargeurs.

Ces dommages et intérêts pourront être prononcés par le Tribunal devant lequel aura été instruite la procédure contre le navire arrêté, son capitaine, son équipage, et sa cargaison; et le Gouverne-

the country to which the officer who gave occasion for such award shall belong, shall pay the amount of the said costs and damages within the period of one year from the date of the award.

**ARTICLE IX.** If in the visit or detention of a merchant vessel, made in virtue of the provisions of the Convention of the 30th November, 1831, or of the present Convention, any abuse or vexation shall have been committed, but the vessel shall not have been delivered over to the jurisdiction of her own nation, the master of the vessel shall make a declaration, on oath, of the abuses or vexations of which he has to complain, and of the costs and damages to which he lays claim, before the competent authorities in the first port of his own country at which he may arrive, or before the Consular Agent of his nation, if the vessel proceeds to a foreign port where there is such an agent. This declaration shall be confirmed by an examination, under oath, of the principal persons of the crew or passengers who have witnessed the visit or detention; and one formal declaration (*procès-verbal*) of the whole shall be drawn up, and two copies thereof delivered to the master, who shall forward one of them to his own Government in support of his claim for costs and damages. It is understood that if any compulsory circumstances should prevent the master from making his declaration, it may be made by the owner, or by any other person interested in the vessel or in her cargo.

On the official transmission of one copy of the formal declaration (*procès-verbal*) above mentioned, through the channel of the respective Embassies, the Government of the country to which the Officer

ment du pays auquel appartiendra l'officier qui aura donné lieu à cette condamnation, payera le montant des dits dommages et intérêts dans le délai d'un an à partir du jour du jugement.

**ARTICLE IX.** Lorsque dans la visite ou l'arrestation d'un bâtiment de commerce, opérée en vertu des dispositions de la Convention du 30 Novembre, 1831, ou de la présente Convention, il aura été commis quelque abus ou vexation, mais que le navire n'aura pas été livré à la juridiction de sa nation, le capitaine devra faire la déclaration sous serment des abus ou vexations dont il aura à se plaindre, ainsi que des dommages et intérêts auxquels il prétendra, devant les autorités compétentes du premier port de son pays où il arrivera, ou devant l'Agent Consulaire de sa nation, si le navire aborde dans un port étranger où il existe un tel officier. Cette déclaration devra être vérifiée au moyen de l'interrogatoire sous serment des principaux hommes de l'équipage ou passagers, qui auront été témoins de la visite ou de l'arrestation, et il sera dressé du tout un procès-verbal, dont deux expéditions seront remises au capitaine, qui devra en faire parvenir une à son Gouvernement à l'appui de la demande en dommages et intérêts qu'il croira devoir former. Il est entendu que si un cas de force majeure empêche le capitaine de faire sa déclaration, celle-ci pourra être faite par l'armateur, ou par toute autre personne intéressée dans l'armement ou dans le chargement du navire.

Sur la transmission officielle d'une expédition du procès-verbal ci-dessus mentionné, par l'intermédiaire des Ambassades respectives, le Gouvernement du pays auquel appartiendra l'Officier à

charged with abuses or vexations shall belong, shall forthwith institute an enquiry into the matter, and if the validity of the complaint be admitted, the said Government shall cause to be paid to the master or owner, or to any other person interested in the vessel which has been molested, or in her cargo, the amount of costs and damages which may be due to them.

**ARTICLE X.** The two Governments engage reciprocally to communicate each to the other, free of expense, and upon application being made, copies of all the proceedings instituted, and judgments given, relative to vessels visited or detained in execution of the provisions of the Convention of the 30th November, 1831, and of the present Convention.

**ARTICLE XI.** The two Governments agree to ensure the immediate freedom of all Slaves who shall be found on board vessels visited and detained in virtue of the stipulations of the principal Convention hereinbefore referred to, or of the present Convention, whenever the offence of trafficking in slaves shall have been established by the sentence of the respective Tribunals. They reserve to themselves, however, for the welfare of the Slaves themselves, the right to employ them as servants or free labourers, conformably to their respective laws.

**ARTICLE XII.** It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel, under the Convention of the 30th of November 1831, or under this Supplementary Convention, shall be detained by their respective cruisers as having been engaged in the Slave Trade, or fitted out for the purposes thereof, and shall be placed at the disposal of either Government for the purpose of being sold, in con-

qui des abus ou vexations seront imputés, fera immédiatement procéder à une enquête ; et si la validité de la plainte est reconnue, il fera payer au capitaine, à l'armateur, ou à toute autre personne intéressée dans l'armement ou le chargement du navire molesté, la montant des dommages et intérêts qui lui seront dûs.

**ARTICLE X.** Les deux Gouvernemens s'engagent à se communiquer respectivement sans frais, et sur leur simple demande, des copies de toutes les procédures intentées, et de tous les jugemens prononcés, relativement à des bâtimens visités ou arrêtés en exécution des dispositions de la Convention du 30 Novembre, 1831, et de la présente Convention.

**ARTICLE XI.** Les deux Gouvernemens conviennent d'assurer la liberté immédiate de tous les Esclaves qui seront trouvés à bord des bâtimens visités et arrêtés en vertu des clauses de la Convention principale ci-dessus mentionnée, ou de la présente Convention, toutes les fois que le crime de traite aura été déclaré constant par les Tribunaux respectifs. Néanmoins ils se réservent, dans l'intérêt même de ces Esclaves, de les employer comme domestiques, ou comme ouvriers libres, conformément à leurs loix respectives.

**ARTICLE XII.** Les deux Hautes Parties Contractantes conviennent, que toutes les fois qu'un bâtimen arrêté sous la prévention de Traite par les croiseurs respectifs, en exécution de la Convention du 30 Novembre, 1831, et de la présente Convention Supplémentaire, aura été mis à la disposition des Gouvernemens respectifs, en vertu d'un arrêt de confiscation émané des Tribunaux compétens, à l'effet d'être vendu, le dit navire, préala-

sequence of a sentence of confiscation pronounced by a competent tribunal, the said vessel shall be broken up, in whole or in part, before the sale, whenever its peculiar construction or outfit shall give reason to fear that it may be again employed in the Slave Trade, or any other illicit traffic.

**ARTICLE XIII.** The present Convention shall be ratified, and the ratifications shall be exchanged at Paris within the space of one month, or sooner if possible.

In witness whereof the abovenamed Plenipotentiaries have signed in duplicate the present Convention, and have affixed thereunto the seals of their arms.

Done at Paris, the twenty-second of March, one thousand eight hundred and thirty-three.

GRANVILLE.

(L.S.)

V. BROGLIE.

(L.S.)

blement à toute opération de vente, sera démolî, en totalité ou en partie, si sa construction ou son installation particulière, donne lieu de craindre qu'il ne puisse de nouveau servir à la Traite des Noirs, ou à tout objet illicite.

**ARTICLE XIII.** La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris dans le délai d'un mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires ci-dessus nommés ont signé la présente Convention en double original, et y ont apposé le cachet de leurs armes.

Fait à Paris, le vingt-deux Mars, mil huit cent trente-trois.

GRANVILLE.

(L.S.)

V. BROGLIE.

(L.S.)

#### *Instructions to Cruizers.*

1°. Whenever a merchant-vessel of either of the two nations shall be visited by a cruiser of the other, the Officer commanding the cruiser shall exhibit to the master of such vessel the special orders which confer upon him the exceptional right of visit, and shall deliver to him a certificate, signed by him, specifying his rank in the navy of his country, with the name of the ship which he commands, and declaring that the only object of such visit is to ascertain whether the vessel is engaged in the Slave Trade, or is fitted out for the purposes of such traffic. When the visit is made by another Officer of the cruiser than her Commander, this Officer shall not be under the rank of Lieutenant in the navy; and in this case, such Officer shall

#### *Instructions pour les Croiseurs.*

1°. Toutes les fois qu'un bâtiment de commerce de l'une des deux nations sera visité par un croiseur de l'autre, l'Officier commandant le croiseur exhibera au capitaine de ce navire les ordres spéciaux qui lui confèrent le droit exceptionnel de visite, et lui remettra un certificat, signé de lui, indiquant son rang dans la marine militaire de son pays, ainsi que le nom du vaisseau qu'il commande, et attestant que le seul but de sa visite est de s'assurer si le bâtiment se livre à la Traite, ou s'il est armé pour ce trafic. Lorsque la visite devra être faite par un Officier du croiseur autre que celui qui le commande, cet Officier ne pourra être d'un rang inférieur à celui de Lieutenant dans la marine militaire; et dans ce cas, le

exhibit to the master of the merchant vessel a copy of the special orders above mentioned, signed by Commander of the cruiser, and shall likewise deliver to him a certificate, signed by him, specifying the rank which he holds in the navy, the name of the Commander under whose orders he is acting, and of the cruiser to which he belongs, and the object of his visit, as hereinbefore recited. If it shall be ascertained by the visit that the ship's papers are regular, and her proceedings lawful, the Officer shall certify upon the log-book of the vessel that the visit took place only in virtue of the special orders above mentioned, and the vessel shall be permitted to continue her course.

2°. If in consequence of the visit, the Officer commanding the cruiser shall be of opinion that there are sufficient grounds for believing that the vessel is engaged in the Slave Trade, or has been fitted out for that traffic, and if he shall, in consequence, determine to detain her, and to have her delivered up to the respective Jurisdiction, he shall forthwith cause a list to be made out, in duplicate, of all the papers found on board, and he shall sign this list and the duplicate, adding to his name his rank in the navy, and the name of the vessel under his command. He shall, in like manner, make out and sign, in duplicate, a declaration, stating the place and time of the detention, the name of the vessel, that of her master, and those of the persons composing her crew, and also the number and condition of the Slaves found on board. This declaration shall further contain an exact description of the state of the vessel and her cargo.

3°. The Commander of the cruiser shall, without delay, carry

dit Officier exhibera au capitaine du navire marchand une copie des ordres spéciaux ci-dessus mentionnés, signée par le Commandant du croiseur, et lui remettra de même un certificat, signé de lui, indiquant le rang qu'il occupe dans la marine, le nom du Commandant par les ordres duquel il agit, celui du croiseur auquel il appartient, et le but de la visite, ainsi qu'il est dit ci-dessus. Si il est constaté que les expéditions du navire sont régulières, et ses opérations licites, l'Officier mentionnera sur le journal de bord, que la visite n'a eu lieu qu'en vertu des ordres spéciaux ci-dessus mentionnés, et le navire sera libre de continuer sa route.

2°. Si, d'après le résultat de la visite, l'Officier commandant le croiseur juge qu'il y a des motifs suffisants de supposer que le navire se livre à la Traite des Noirs, ou qu'il a été équipé ou armé pour ce traffic, et s'il se décide, en conséquence, à l'arrêter, et à le faire remettre à la Juridiction respective, il fera dresser sur-le-champ, en double original, inventaire de tous les papiers trouvés à bord, et signera cet inventaire sur les deux originaux, en ajoutant à son nom, son rang dans la marine militaire, ainsi que le nom du bâtiment qu'il commande. Il dressera et signera, de la même manière, en double original, un procès-verbal, énonçant l'époque et le lieu de l'arrestation, le nom du bâtiment, celui de son capitaine, et ceux des hommes de son équipage, ainsi que le nombre et l'état corporel des Esclaves trouvés à bord. Ce procès-verbal devra en outre contenir une description exacte de l'état du navire et de sa cargaison.

3°. Le Commandant du croiseur conduira ou enverra, sans délai, le

or send the detained vessel, with her master, crew, cargo, and the Slaves found on board, to one of the ports hereinafter specified, in order that proceedings may be instituted in regard to them, conformably to the respective laws of each country; and he shall deliver the same to the competent Authorities, or to the persons who shall have been specially appointed for that purpose by the respective Governments.

4°. No person whatever shall be taken out of the detained vessel, nor shall any part of her cargo, nor of the Slaves found on board, be removed from her until after such vessel shall have been delivered over to the Authorities of her own nation; excepting only when the removal of the whole, or of part of the crew, or of the Slaves found on board, shall be deemed necessary, either for the preservation of their lives, or from any other consideration of humanity, or for the safety of the persons who shall be charged with the navigation of the vessel after her detention. In this case, the Commander of the cruiser, or the Officer appointed to bring in the detained vessel, shall make a declaration of such removal, in which he shall specify the reasons for the same; and the masters, sailors, passengers, or Slaves so removed, shall be carried to the same port as the vessel and her cargo, and they shall be received in the same manner as the vessel, agreeably to the regulations hereinafter set forth.

5°. All such French vessels as shall be detained by the cruisers of His Britannic Majesty on the African station, shall be carried and delivered up to the French Jurisdiction at Goree.

All such French vessels as shall be detained by the British squa-

bâtimen<sup>t</sup> arrêté, ainsi que son capitaine, son équipage, sa cargaison, et les Esclaves trouvés à bord, à l'un des ports ci-après spécifiés, pour qu'il soit procédé à leur égard conformément aux loix respectives de chaque état; et il en fera la remise aux Autorités compétentes, ou aux personnes qui auront été spécialement préposées à cet effet par les Gouvernemens respectifs.

4°. Nul ne devra être distrait du bord du navire arrêté, et il ne sera enlevé non plus aucune partie de la cargaison, ou des Esclaves trouvés à bord, jusqu'à ce que le navire ait été remis aux Autorités de sa propre nation, excepté dans le cas où la translation de la totalité ou d'une partie de l'équipage, ou des Esclaves trouvés à bord, serait jugée nécessaire, soit pour conserver leur vie, ou par toute autre considération d'humanité, soit pour la sûreté de ceux qui seront chargés de la conduite du navire après son arrestation. Dans ce cas, le Commandant du croiseur, ou l'Officier chargé de la conduite du bâtimen<sup>t</sup> arrêté, dressera de la dite translation un procès-verbal, dans lequel il en énoncera les motifs; et les capitaines, matelots, passagers, ou Esclaves ainsi transbordés, seront conduits dans le même port que le navire et sa cargaison; et la remise, ainsi que la réception, auront lieu de la même manière que celles du navire, conformément aux dispositions ci-après énoncées.

5°. Tous les navires Français qui seront arrêtés par les croiseurs de Sa Majesté Britannique de la station d'Afrique, seront conduits et remis à la Juridiction Française à Gorée.

Tous les navires Français qui seront arrêtés par la station Bri-

dron on the West India station, shall be carried and delivered up to the French Jurisdiction at Martinique.

All such French vessels as shall be detained by the British squadron on the Madagascar station, shall be carried and delivered up to the French Jurisdiction at the Isle of Bourbon.

All such French vessels as shall be detained by the British squadron on the Brazilian station, shall be carried and delivered up to the French Jurisdiction at Cayenne.

All such British vessels as shall be detained by the cruisers of His Majesty the King of the French on the African station, shall be carried and delivered up to the Jurisdiction of His Britannic Majesty at Bathurst on the River Gambia.

All such British vessels as shall be detained by the French squadron on the West India station, shall be carried and delivered up to the British Jurisdiction at Port Royal in Jamaica.

All such British vessels as shall be detained by the French squadron on the Madagascar station, shall be carried and delivered up to the British Jurisdiction at the Cape of Good Hope.

All such British vessels as shall be detained by the French squadron on the Brazilian station, shall be carried and delivered up to the British Jurisdiction at the colony of Demerara.

6°. As soon as a merchant vessel which shall have been detained as aforesaid, shall arrive at one of the ports or places above mentioned, the Commander of the cruiser, or the Officer appointed to bring in the detained vessel, shall forthwith deliver to the Authorities duly appointed for that purpose by the respective Governments, the vessel and her

tannique des Indes Occidentales, seront conduits et remis à la Juridiction Française à Martinique.

Tous les navires Français qui seront arrêtés par la station Britannique de Madagascar, seront conduits et remis à la Juridiction Française à l'Île Bourbon.

Tous les navires Français qui seront arrêtés par la station Britannique du Brésil, seront conduits et remis à la Juridiction Française à Cayenne.

Tous les navires Britanniques qui seront arrêtés par les croiseurs de Sa Majesté le Roi des Français de la station d'Afrique, seront conduits et remis à la Juridiction de Sa Majesté Britannique à Bathurst dans la Rivière de Gambie.

Tous les bâtiments Britanniques arrêtés par la station Française des Indes Occidentales, seront conduits et remis à la Juridiction Britannique à Port Royal dans la Jamaïque.

Tous les navires Britanniques arrêtés par la station Française de Madagascar, seront conduits et remis à la Juridiction Britannique au Cap de Bonne Espérance.

Tous les navires Britanniques arrêtés par la station Française du Brésil, seront conduits et remis à la Juridiction Britannique à la colonie de Demerary.

6°. Dès qu'un bâtiment marchand qui aura été arrêté, comme il a été dit ci-dessus, arrivera dans l'un des ports ou des lieux ci-dessus désignés, le Commandant du croiseur, ou l'Officier chargé de la conduite du navire arrêté, remettra immédiatement aux Autorités évidemment préposées à cet effet par les Gouvernemens respectifs, le navire et sa cargaison, ainsi que le capi-

oarge, together with the master, crew, passengers, and Slaves found on board, as also the papers which shall have been seized on board the vessel, and one of the lists made out in duplicate of the said papers, the other remaining in his possession. Such officer shall, at the same time deliver to the said Authorities one of the declarations made out in duplicate, as hereinbefore specified, adding thereto a statement of any changes which may have taken place from the time of detention to that of the delivery, as well as a copy of the declaration of any removals which may have taken place as above provided for. In delivering over these several documents, the officer will make attestation of their truth on oath, and in writing.

7°. If the Commander of a cruiser of either of the High Contracting Parties, who shall be duly furnished with the aforesaid Special Instructions, shall have reason to suspect that a merchant vessel sailing under a convoy, or in company with a ship of war of the other party, is engaged in the Slave Trade, or has been fitted out for the purpose of that traffic, he shall confine himself to the communicating his suspicions to the Commander of the convoy or of the ship of war, and he shall leave it to the latter to proceed alone to a visit of the suspected vessel, and to deliver her up, if the case require it, to the Jurisdiction of her own country.

8°. The cruisers of the two nations shall conform strictly to the tenour of these Instructions, which are to be considered as a development of the clauses of the principal Convention of the 30th November, 1831, as well as of the Convention to which they are annexed.

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taine, l'équipage, les passagers, et les Esclaves trouvés à bord, comme aussi les papiers saisis à bord, et l'un des deux exemplaires de l'inventaire des dits papiers, l'autre devant demeurer dans sa possession. Le dit Officier remettra en même tems à ces Autorités un exemplaire du procès-verbal ci-dessus mentionné, et il y ajoutera un rapport sur les changemens qui pourraient avoir lieu depuis le moment de l'arrestation jusqu'à celui de la remise, ainsi qu'une copie du rapport des transbordemens qui ont pu avoir lieu, ainsi qu'il a été prévu ci-dessus. En remettant ces diverses pièces, l'Officier en attestera la sincérité sous serment, et par écrit.

7°. Si le Commandant d'un croiseur d'une des Hautes Parties Contractantes, dûment pourvu des Instructions Spéciales ci-dessus mentionnées, a lieu de soupçonner qu'un navire de commerce naviguant sous le convoi, ou en compagnie d'un bâtiment de guerre de l'autre partie, se livre à la Traite des Noirs, ou a été équipé pour ce trafic, il devra se borner à communiquer ses soupçons au Commandant du convoi ou du bâtiment de guerre, et laisser à celui-ci le soin de procéder seul à la visite du navire suspect, et de le placer, s'il y a lieu, sous la main de la justice de son pays.

8°. Les croiseurs des deux nations se conformeront exactement à la teneur des présentes Instructions, qui servent de développement aux dispositions de la Convention principale du 30 Novembre, 1831, ainsi que de la Convention à laquelle elles sont annexées.

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The undersigned Plenipotentiaries have agreed, in conformity with the Second Article of the Convention signed by them on this day, the 22nd March, 1833, that the preceding Instructions shall be annexed to the said Convention, and considered as an integral part thereof.

Paris, the twenty-second of March, one thousand eight hundred and thirty-three.

GRANVILLE.  
(L.S.)

V. BROGLIE.  
(L.S.)

Les Plénipotentiaires suscités sont convenus, conformément à l'Article Deux de la Convention signée entre eux sous la date de ce jour, le 22 Mars, 1833, que les Instructions qui précèdent seront annexées à la dite Convention, pour en faire partie intégrante.

Paris, le vingt-deux Mars, mil huit cent trente-trois.

V. BROGLIE.  
(L.S.)

## 6. DENMARK.

### SPECIAL ORDER.

*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS, by a Treaty dated the 26th July, 1834, His Majesty the King of Denmark has acceded to the Conventions of the 30th November, 1831, and 22nd March, 1833, between Great Britain and France, for the suppression of the Slave Trade; and it has been stipulated in the said Treaty, that certain cruisers belonging to the said three countries respectively, should be authorized under the Special Instructions therein mentioned, to visit and detain, within particular limits, merchant vessels of the other nations engaged in the Traffic in Slaves, or suspected of being fitted out for that traffic: and whereas we think fit that the vessel you command shall be one of the British cruisers furnished with the said Special Instructions,—

We herewith transmit to you a copy of the said Treaty of the 26th July, 1834, and you are accordingly authorized and empowered, *by virtue of this present Order, and of the accompanying Warrant from the Government of His Majesty the King of Denmark*, to visit merchant vessels under the Danish flag, suspected of being engaged in the Traffic in Slaves, within the limits set forth in the 1st Article of the Convention of the 30th November, 1831, inserted in the Treaty above referred to, (with the conditional extension therein explained,) and to deal with such as shall have engaged in a Traffic in Slaves, or shall be suspected of being fitted out for that traffic, as pointed out in the Treaty; and we charge and require you to conform most strictly to all the provi-

sions and stipulations contained therein, taking care to exercise the authority so conferred upon you in the mildest manner, and with every attention which is due between allied and friendly nations, and to co-operate cordially with the Commanders of any Danish vessel of war employed in the same service.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To  
*Commanding Her Majesty's ship  
on the  
Station.*

By command of their Lordships,  
SIDNEY HERBERT.

*Treaty between His Majesty, the King of the French, and the King of Denmark, containing the Accession of His Danish Majesty to two Conventions between Great Britain and France, for the more effectual suppression of the Slave Trade. Signed at Copenhagen, July 26, 1834.*

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having concluded on the 30th of November, 1831, and the 22nd March, 1833, two Conventions intended to insure the complete suppression of the Slave Trade;

The High Contracting Parties, conformably to the Ninth Article of the first of these Conventions, which states that the other Maritime Powers shall be invited to accede to it, having addressed an invitation to that effect to His Majesty the King of Denmark; and His said Majesty, animated with the same sentiments which induced him to suppress that trade in the Danish Colonies at a period when this measure had not yet been taken by any other Power, and earnest to concur with his two August Allies in the same humane object, having without hesitation assented to the proposal;

The three High Powers, with the view of accomplishing this

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, et Sa Majesté le Roi des Français, ayant conclu le 30 Novembre, 1831, et le 22 Mars, 1833, deux Conventions destinées à assurer la répression complète de la Traite des Noirs;

Les Hautes Parties Contractantes, conformément à l'Article IX de la première de ces Conventions, qui établit que les autres Puissances Maritimes seront invitées à y accéder, ayant adressé une invitation à cet effet à Sa Majesté le Roi de Danemarck; et Sa dite Majesté, animée des mêmes sentiments qui lui ont inspiré l'abolition de ce trafic dans les Colonies Danoises à une époque où cette mesure n'avait encore été prise par aucune autre Puissance, et empressée de concourir avec ses deux Augustes Alliés au même but d'humanité, n'ayant pas hésité à accueillir leur proposition;

Les trois Hautes Puissances, dans la vue d'accomplir ce dessein

generous design, and of giving due authenticity and all accustomed solemnity to the Accession of His Danish Majesty, and to the Acceptance thereof by His Britannic Majesty, and by His Majesty the King of the French, have resolved to conclude to this effect a formal Treaty, and have in consequence named for their Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Henry Watkin Williams Wynn, Knight Grand Cross of the Royal Hanoverian Order of the Guelphs, one of His Britannic Majesty's Most Honourable Privy Council, and his Envoy Extraordinary and Minister Plenipotentiary at the Court of Denmark;

His Majesty the King of the French, M. Napoléon Lannes, Duc de Montebello, Peer of France, Knight of the Royal Order of the Legion of Honour, his Envoy Extraordinary and Minister Plenipotentiary at the Court of Denmark;

His Majesty the King of Denmark, M. Hans de Krabbe-Carissius, his Minister of State, and Chief of his Department for Foreign Affairs, Knight Grand Cross of his Order of Dannebrog with the Silver Cross, and Knight of the second class of the Order of St. Anne in Russia with diamonds:

Who, after having reciprocally exchanged their full powers, found to be in good and due form, have agreed upon the following Articles:—

**ARTICLE I.** His Majesty the King of Denmark accedes to the Conventions concluded and signed on the 30th of November, 1831, and on the 22nd March, 1833, between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Ma-

énéreux, et pour donner à l'Accession de Sa Majesté Danonne, ainsi qu'à son Acceptation par Sa Majesté Britannique et Sa Majesté le Roi des Français, l'authenticité convenable, et la solemnité dusage, ont résolu de conclure à cet effet un Traité formel, et ont en conséquence nommé pour leurs Plénipotentiaires, savoir:—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, le Très Honorable Sir Henry Watkin Williams Wynn, Chevalier Grand-Croix de l'Ordre Hanovrien des Guelphes, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, et son Envoyé Extraordinaire et Ministre Plénipotentiaire à la Cour de Danemarek;

Sa Majesté le Roi des Français, le Sieur Napoléon Lannes, Duc de Montebello, Pair de France, Chevalier de l'Ordre Royal de la Légion d'Honneur, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour de Danemarek:

Sa Majesté le Roi de Danemarek, le Sieur Hans de Krabbe-Carissius, son Ministre intime d'Etat et Chef de son Département des Affaires Etrangères, Grand-Croix de son Ordre de Dannebrog avec la Croix d'Argent, et Chevalier de l'Ordre de Sainte Anne de Russie de la seconde classe en diamans:

Lesquels, après avoir réciproquement échangé leurs pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:—

**ARTICLE I.** Sa Majesté le Roi de Danemarek accède aux Conventions conclues et signées le 30 Novembre, 1831, et le 22 Mars, 1833, entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, et Sa Majesté le Roi des Français, relative-

jesty the King of the French, relating to the suppression of the Slave Trade, as well as to their Annex, excepting the reservations and modifications expressed in the 2nd, 3rd, and 4th Articles herein-after given, which Articles shall be considered Additional to the said Conventions and to their Annex, and excepting the differences which necessarily result from the situation of His Danish Majesty, as a Party acceding to these Treaties after their conclusion.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, accept the said Accession : all the Articles of these two Conventions, and all the conditions of their Annex, shall, in consequence, be held to have been agreed upon, concluded, and signed directly between His Majesty the King of the United Kingdom of Great Britain and Ireland, His Majesty the King of the French, and His Majesty the King of Denmark.

Their said Majesties engage and promise reciprocally to each other to fulfil faithfully all the clauses, conditions, and obligations thereof, excepting the reservations and modifications herein stipulated for ; and in order to prevent any uncertainty, it has been agreed that the said Conventions, and the Annex containing the Instructions to Cruisers, shall be inserted here word for word, as follows :—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex containing the Instructions to Cruisers, for which see France, page 302—318.]

**ARTICLE II.** It is agreed, with reference to Article III of the Convention of the 30th November, 1831, hereinabove transcribed, that His Majesty the King of Denmark shall fix, according to

ment à la répression de la Traite des Noirs, ainsi qu'à leur Annexe, sauf les réserves et modifications exprimées dans les Articles II, III, et IV ci-après, qui seront considérés comme Additionnels aux dites Conventions et à leur Annexe, et sauf la différence qui résulte nécessairement de la situation de Sa Majesté Danoise, comme Partie accédante à ces Traités après leur conclusion.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, et Sa Majesté le Roi des Français, acceptent la dite Accession ; en conséquence, tous les Articles de ces deux Conventions, et toutes les dispositions de leur Annexe, seront censés avoir été convenus, conclus, et signés directement entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, Sa Majesté le Roi des Français, et Sa Majesté le Roi de Danemark.

Leurs dites Majestés s'engagent et se promettent réciproquement d'en exécuter fidèlement toutes les clauses, conditions, et obligations, sauf les réserves et modifications ci-après stipulées ; et afin de prévenir toute incertitude, il a été arrêté que les dites Conventions, avec l'Annexe contenant les Instructions pour les Croiseurs, seront insérées ici mot-à-mot, ainsi qu'il suit :—

**ARTICLE II.** Il a été convenu, relativement à l'Article III de la Convention du 30 Novembre, 1831, ci-dessus transcrise, que Sa Majesté le Roi de Danemark fixera selon ses convenances, le nombre

his convenience, the number of Danish cruizers which shall be employed on the service mentioned in the said Article, and the stations on which they shall cruise.

**ARTICLE III.** The Government of His Majesty the King of Denmark shall make known to the Governments of Great Britain and of France, conformably to Article IV of the Convention of 30th November, 1831, the Danish ships of war which are to be employed in the suppression of the trade, in order to obtain for their Commanders the necessary warrants.

The warrants which are to be delivered by Denmark, shall be issued as soon as notification of the number of British and French cruizers intended to be employed shall be made to the Danish Government.

**ARTICLE IV.** It is agreed with reference to the 5th Article of the Instructions annexed to the Supplementary Convention of March 22, 1833, that all Danish vessels which, in pursuance of the Conventions hereinabove transcribed, may be detained by the cruizers of His Majesty the King of the United Kingdom of Great Britain and Ireland, or of His Majesty the King of the French, employed on the American station, shall be carried and delivered to the Danish Authorities at Santa Cruz.

That all Danish vessels detained by British or French cruizers on the African station, shall be delivered to the Danish Authorities at the Fort of Christiansburgh, on the Gold Coast of Guinea.

And that every vessel under the Danish flag which shall be detained by the British or French cruizers employed on the Madagascar station, shall be delivered to the Authorities at one or other of the Danish possessions herein-

des croiseurs Danois qui seront employés au service mentionné dans le dit Article, et les stations où ils devront croiser.

**ARTICLE III.** Le Gouvernement de Sa Majesté le Roi de Danemarck fera connaître aux Gouvernemens de la Grande Bretagne et de la France, conformément à l'Article IV de la Convention du 30 Novembre, 1831, les bâtimens de guerre Danois qui devront être employés à la répression de la traite, afin d'obtenir pour leurs Commandans les mandats nécessaires.

Les mandats que le Danemarck devra délivrer, seront expédiés aussitôt que notification du nombre des croiseurs Britanniques et Français destinés à être employés sera faite au Gouvernement Danois.

**ARTICLE IV.** Il est convenu, en ce qui se rapporte à l'Article V des Instructions annexées à la Convention Supplémentaire du 22 Mars, 1833, que tous les navires Danois qui, par suite des Conventions ci-dessus transcrites, seraient arrêtés par les croiseurs de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, ou de Sa Majesté le Roi des Français, employés dans la station d'Amérique, seront conduits et remis aux Autorités Danoises à Ste. Croix.

Que tous les navires Danois arrêtés par les croiseurs Britanniques ou Français de la station d'Afrique, seront remis aux Autorités Danoises au Fort de Christiansbourg sur la Côte d'Or de Guinée.

Et que tout bâtiment sous pavillon Danois qui serait arrêté par les croiseurs Britanniques ou Français employés dans la station de Madagascar, sera remis aux Autorités de l'une ou de l'autre des possessions Danoises ci-dessus men-

above mentioned, or to the Danish Authorities at Tranquebar in the East Indies, if circumstances shall render this last-mentioned destination desirable.

ARTICLE V. The present Treaty shall be ratified, and the ratifications shall be exchanged at Copenhagen in the space of three months, or sooner if possible.

In faith of which the above-named Plenipotentiaries have signed the present Treaty in three originals, and have affixed thereto the seal of their arms.

Done at Copenhagen, this twenty-sixth day of July, one thousand eight hundred and thirty-four.

(L.S.) H. W. WILLIAMS WYNN.  
(L.S.) NAP. LANNES, DUC DE  
MONTEBELLO.

(L.S.) HANS KRABBE-CARISIUS.

tionnées, ou aux Autorités Danaises à Tranquebar aux Indes Orientales, si les circonstances rendent cette dernière destination désirable.

ARTICLE V. Le présent Traité sera ratifié, et les ratifications seront échangées à Copenhague dans le délai de trois mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires sus-dénommés ont signé le présent Traité en trois originaux, et y ont apposé le sceau de leurs armes.

Fait à Copenhague, le vingt-six Juillet, de l'an de grâce mil huit cent trente-quatre.

(L.S.) H. W. WILLIAMS WYNN.  
(L.S.) NAP. LANNES, DUC DE  
MONTEBELLO.  
(L.S.) HANS KRABBE-CARISIUS.

## 7. SARDINIA.

### SPECIAL ORDER.

*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS, by a Treaty dated the 8th of August, 1834, His Majesty the King of Sardinia has acceded to the Conventions of the 30th of November, 1831, and 22nd of March, 1833, between Great Britain and France, for the suppression of the Slave Trade, and it has been stipulated in the said Treaty, that certain cruizers belonging to the said three countries respectively, should be authorized under Special Instructions therein mentioned, to visit and detain, within particular limits, merchant-vessels of the other nations engaged in the Traffic in Slaves, or suspected of being fitted out for that traffic: and whereas we think fit that the vessel you command shall be one of the British cruizers furnished with the said Special Instructions,—

We herewith transmit to you a copy of the said Treaty of the 8th of August, 1834, and you are accordingly authorized and empowered, by virtue of this present Order, and of the accompanying Warrant from

*the Government of His Majesty the King of Sardinia, to visit merchant-vessels under the Sardinian flag, suspected of being engaged in the Traffic in Slaves, within the limits set forth in the 1st Article of the Convention of the 30th November, 1831, inserted in the Treaty above referred to, (with the conditional extension therein explained,) and to deal with such as shall have engaged in a Traffic in Slaves, or shall be suspected of being fitted out for that traffic, as pointed out in the Treaty; and we charge and require you to conform most strictly to all the provisions and stipulations contained therein, taking care to exercise the authority so conferred upon you in the mildest manner, and with every attention which is due between allied and friendly nations, and to co-operate cordially with the Commanders of any Sardinian vessel of war employed in the same service.*

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

To  
Commanding Her Majesty's ship  
on the Station.

By command of their Lordships,  
SIDNEY HERBERT.

*Treaty between His Majesty, the King of the French, and the King of Sardinia, containing the Accession of His Sardinian Majesty to two Conventions between Great Britain and France, for the more effectual suppression of the Slave Trade. Signed at Turin, August 8, 1834. With an Additional Article thereto, signed at Turin, December 8, 1834.*

SA Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant conclu le 30 Novembre, 1831, et le 22 Mars, 1833, deux Conventions destinées à assurer la répression complète de la Traite des Noirs; les Hautes Parties Contractantes, conformément à l'Article IX de la première de ces Conventions, qui porte que les autres Puissances Maritimes seront invitées à y accéder, ont adressé cette invitation à Sa Majesté le Roi de Sardaigne;

Et Sa dite Majesté, animée des mêmes sentimens, et empressée de concourir avec ses deux augustes Alliés au même but d'humanité, n'ayant pas hésité à accueillir leur proposition, les trois Hautes Puissances, dans la vue d'accomplir ce dessein généreux, et pour donner à l'Accession de Sa Majesté Sarde, ainsi qu'à son acceptation par Sa Majesté Britannique, et par Sa Majesté le Roi des Français, l'authenticité convenable, et toute la solennité usitée, ont résolu de conclure à cet effet une Convention formelle, et ont en conséquence nommé pour leurs Plénipotentiaires, savoir:—

SA Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Sir Auguste Jean Foster, Baronet du

Royaume Uni, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, et son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour de Turin ;—

Sa Majesté le Roi des Français, M. Amable Guillaume Prosper Bragiére, Baron de Barante, Pair de France, Conseiller d'Etat, Officier de l'Ordre Royal de la Légion d'Honneur, Ambassadeur de Sa Majesté le Roi des Français près la Cour de Turin ;—

Et Sa Majesté le Roi de Sardaigne, le Comte Victor Sallier de la Tour, Marquis de Cordon, Chevalier de l'Ordre Suprême de la Très Sainte Annunziade, Grand Cordon de l'Ordre des Saints Maurice et Lazare, Commandeur de l'Ordre Militaire, et Chevalier de l'Ordre Civil de Savoie, Grand-Croix de plusieurs ordres étrangers, Général de Cavalerie, Ministre et Premier Secrétaire d'Etat au Département des Affaires Etrangères :

Lesquels, après avoir échangé réciprocurement leurs pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans :—

**ARTICLE I.** Sa Majesté le Roi de Sardaigne accède aux Conventions conclues et signées le 30 Novembre, 1831, et le 22 Mars, 1833, entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, relativement à la répression de la Traite des Noirs, ainsi qu'à leurs Annexes, sauf les réserves et modifications exprimées dans les Articles II, III, et IV, ci-après, qui seront considérés comme additionnels aux dites Conventions et à leurs Annexes, et sauf les différences qui résultent nécessairement de la situation de Sa Majesté Sarde, comme partie accédante aux Conventions en question après leur conclusion. Sa Majesté le Roi du Royaume Uni d'Angleterre et d'Irlande, et Sa Majesté le Roi des Français, ayant accepté la dite accession, tous les Articles de ces deux Conventions, et toutes les dispositions de leurs Annexes, seront, en conséquence, censés avoir été conclus et signés, de même que la présente Convention, directement entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté le Roi des Français, et Sa Majesté le Roi de Sardaigne.

Leurs dites Majestés s'engagent et promettent réciprocument d'exécuter fidèlement, sauf les réserves et modifications stipulées par les présentes, toutes les clauses, conditions, et obligations qui en résultent; et pour éviter toute incertitude, il a été convenu que les susdites Conventions, ainsi que leurs Annexes, seront insérées ici mot à mot, ainsi qu'il suit :—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex containing the Instructions to Cruisers, for which see France, page 302—318.]

*Instructions portant autorisation de visiter et arrêter les bâtimens marchands Anglais se livrant à la Traite des Noirs, ou équipés pour ce trafic.*

Monsieur,

Une Convention a été conclue à Paris le 30 Novembre, 1831, entre la France et la Grande Bretagne, pour la répression de la Traite

des Noirs. Aux termes de cette Convention, des croiseurs appartenant à l'un ou à l'autre des deux pays, doivent être autorisés, sous les Instructions Spéciales qui y sont mentionnées, à visiter et à arrêter, dans l'étendue des limites particulières, des navires marchands de l'autre nation se livrant à la Traite, ou soupçonnés d'être armés pour ce trafic. Une Convention Supplémentaire a été en outre conclue entre les dits pays, le 22 Mars, 1833, dans le but d'expliquer et de développer quelques unes des dispositions de la Convention susmentionnée; et à cette Convention Supplémentaire sont annexées des Instructions pour les croiseurs qui doivent être employés au dit service.

J'ai jugé convenable que le bâtiment que vous commandez fût un des croiseurs Français muni des dites Instructions Spéciales.

Je vous envoie ci-joint des expéditions de la Convention principale du 30 Novembre, 1831, et des Instructions y annexées, dont il a été fait mention ci-dessus; et je vous autorise en conséquence, et je vous donne pouvoir, en vertu du présent ordre et du mandat ci-joint du Gouvernement de Sa Majesté Britannique, de visiter les navires marchands sous pavillon Anglais soupçonnés de se livrer à la Traite des Noirs, dans les limites indiquées dans l'Article I de la Convention du 30 Novembre, 1831 (avec l'extension conditionnelle qui s'y trouve expliquée), et d'agir à l'égard de ceux de ces navires qui se seront livrés à un Commerce d'Esclaves, ou qui seront soupçonnés d'être armés pour ce trafic, ainsi qu'il est indiqué dans ces divers documens.

Je vous charge de vous conformer très strictement à toutes les dispositions et stipulations qui s'y trouvent contenues, en vous recommandant d'avoir soin d'exercer l'autorité qui vous est ainsi conférée, de la manière la plus douce, et avec tous les égards que se doivent des nations alliées et amies, et de coopérer cordialement avec les commandans de tout bâtiment de guerre Anglais employé au même service.

Recevez, Monsieur, les assurances de ma parfaite considération.

Donné à Paris, le

*Le Ministre Secrétaire d'Etat de la Marine et des Colonies.*

*Mandat en vertu duquel un bâtiment de guerre Anglais pourra visiter et arrêter un bâtiment de commerce Français engagé dans la Traite des Noirs, ou équipé pour ce trafic.*

Dans une Convention entre la France et la Grande Bretagne, signée à Paris le 30 Novembre, 1831, pour la répression de la Traite des Noirs, et dans une Convention Supplémentaire relative au même objet, en date du 22 Mars, 1833, il a été stipulé que certains croiseurs seraient autorisés, conformément aux Instructions Spéciales qui y sont mentionnées, à visiter et à arrêter, dans l'étendue de limites particulières, des navires marchands de l'autre nation, se livrant à la Traite des Noirs, ou soupçonnés d'être armés pour ce trafic.

Attendu que le Gouvernement de Sa Majesté Britannique a jugé convenable que le bâtiment que vous commandez fût l'un des croiseurs

Anglais pourvu des dites Instructions spéciales, et que vous devez recevoir en conséquence des Instructions du dit Gouvernement pour vous guider dans le dit service, je vous autorise et je vous donne pouvoir, en vertu de ces Instructions et du présent Mandat, de visiter des bâtimens marchands sous pavillon Français soupçonnés de se livrer à la Traite dans les limites indiquées dans l'Article I de la Convention du 30 Novembre, 1831, avec l'extension conditionnelle qui s'y trouve indiquée, et d'agir à l'égard des bâtimens qui se seront livrés à la Traite, ou qui seront soupçonnés d'être équipés pour ce trafic, ainsi qu'il est prescrit dans la dite Convention, et dans la Convention Supplémentaire, ainsi que dans les Instructions qui y sont annexées.

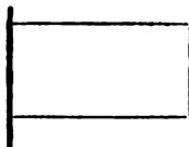
Donné à Paris, le

*Le Ministre Secrétaire d'Etat au Département de la Marine et des Colonies.*

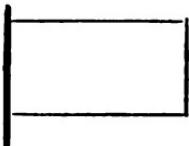
*Signaux particuliers qui devront être employés par les bâtimens de guerre Français et Anglais, auxquels auront été données des Instructions en conséquence du Traité conclu le 30 Novembre, 1831, pour la suppression de la Traite des Noirs.*

*Secret.*

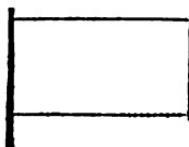
Le bâtimen qui fera le premier signal, devra hisser le pavillon ci-dessous à la tête du mât de misaine.



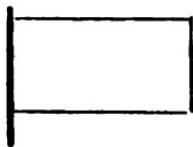
Le bâtimen auquel le signal aura été fait, y répondra en hissant le pavillon ci-après à la tête du grand mât.



Le bâtimen qui aura fait le premier signal, devra hisser le pavillon suivant à la tête du grand mât.



Le second bâtimenr répondra en hissant le pavillon ci-dessous à la tête du mât de missaine.



**ARTICLE II.** Il est convenu, relativement à l'Article III de la Convention du 30 Novembre, 1831, ci-dessus transcrise, que Sa Majesté le Roi de Sardaigne fixera, suivant sa convenance, le nombre des croiseurs Sardes qui devront être employés au service mentionné dans le dit Article, et les stations où ils devront établir leurs croisières.

**ARTICLE III.** Le Gouvernement de Sa Majesté le Roi de Sardaigne fera connaître aux Gouvernemens de la Grande Bretagne et de France, conformément à l'Article IV de la Convention du 30 Novembre, 1831, les bâtimens de guerre Sardes qui devront être employés à la répression de la Traite, afin que les Mandats nécessaires à leurs commandans soient délivrés. Les Mandats qui devront être délivrés par la Sardaigne seront remis après que la notification du nombre des croiseurs Britanniques et Français destinés à être employés, aura été faite au Gouvernement Sarde.

**ARTICLE IV.** Il est convenu, en ce qui concerne l'Article V des Instructions annexées à la Convention Supplémentaire du 22 Mars, 1833, que tous les navires Sardes, ou portant le pavillon de Sardaigne, qui pourront être arrêtés, en exécution des Conventions ci-dessus transcrises, par les croiseurs de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ou de Sa Majesté le Roi des Français, employés dans les stations d'Amérique, d'Afrique, et de Madagascar, seront conduits et remis dans le port de Gênes.

**ARTICLE V.** Le présent Traité sera ratifié, et les ratifications en seront échangées à Turin dans le délai de trois mois, ou plus tôt s'il est possible.

En foi de quoi les Plénipotentiaires sus-dénommés ont signé la présente Convention en trois originaux, et y ont apposé le cachet de leurs armes.

Fait à Turin, le 8 Août, 1834.

AUG. J. FOSTER.

(L.S.)

BARANTE.

(L.S.)

DE LA TOUR.

(L.S.)

*(Translation.)*

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having concluded, on the 30th of November, 1831, and the 22nd of March, 1833, two Conventions intended to ensure the complete suppression of the Slave Trade; the High Contracting Parties, conformably to the 9th Article of the first of these Conventions, which states that the other maritime

Powers shall be invited to accede to it, have addressed this invitation to His Majesty the King of Sardinia;

And His said Majesty, animated with the same sentiments, and earnest to concur with his two august allies in the same humane object, having without hesitation assented to their proposal, the three High Powers, with the view of accomplishing this generous design, and of giving due authenticity and all accustomed solemnity to the Accession of His Sardinian Majesty, and to the acceptance thereof by His Britannic Majesty, and by His Majesty the King of the French, have resolved to conclude to this effect a formal Convention, and have in consequence named for their Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Augustus John Foster, a Baronet of the United Kingdom, a Member of His Britannic Majesty's Most Honourable Privy Council, and his Envoy Extraordinary and Minister Plenipotentiary at the Court of Turin;—

His Majesty the King of the French, M. Amable Guillaume Prosper Brugiére, Baron de Barante, a Peer of France, a Councillor of State, Officer of the Royal Order of the Legion of Honour, Ambassador of His Majesty the King of the French at the Court of Turin;—

And His Majesty the King of Sardinia, the Count Victor Sallier de la Tour, Marquis de Cordon, Knight of the Supreme Order of the Most Holy Annuciade, Grand Cordon of the Order of St. Maurice and St. Lazarus, Commander of the Military Order, and Knight of the Civil Order of Savoy, Grand Cross of several foreign orders, General of Cavalry, Minister and First Secretary of State for the Department of Foreign Affairs:

Who, after having reciprocally exchanged their full powers, found to be in good and due form, have agreed upon the following Articles:—

ARTICLE I. His Majesty the King of Sardinia accedes to the Conventions concluded and signed on the 30th of November, 1831, and on the 22nd of March, 1833, between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, relating to the suppression of the Slave Trade, as well as to their Annexes, excepting the reservations and modifications expressed in the 2nd, 3rd, and 4th Articles hereinafter given, which Articles shall be considered additional to the said Conventions and to their Annexes, and excepting the differences which necessarily result from the situation of His Sardinian Majesty, as a party acceding to the Conventions in question after their conclusion. His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having accepted the said Accession, all the Articles of these two Conventions, and all the conditions of their Annexes, shall, in consequence, be held to have been concluded and signed in the same manner as the present Convention, directly between His Majesty the King of the United Kingdom of Great Britain and Ireland, His Majesty the King of the French, and His Majesty the King of Sardinia.

Their said Majesties engage and promise reciprocally to fulfil faithfully, excepting the reservations and modifications hereby stipulated for, all the clauses, conditions, and obligations, which result therefrom;

and in order to prevent any uncertainty, it has been agreed that the above-mentioned Conventions, as well as their Annexes, shall be inserted here word for word as follows:—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex containing the Instructions to Cruizers, for which see France, page 302—318.]

*Instructions authorizing the visit and detention of English merchant vessels engaged in the Slave Trade, or fitted out for it.*

Sir,

A Convention was concluded at Paris on the 30th of November, 1831, between France and Great Britain, for the suppression of the Slave Trade. According to the terms of that Convention, cruizers belonging to either of the two countries are to be authorized, under the Special Instructions which are therein mentioned, to visit and detain, within the extent of certain limits, merchant vessels of the other nation engaged in the Trade, or suspected of being fitted out for such trade. A Supplementary Convention was moreover concluded between the two countries on the 22nd of March, 1833, for the purpose of explaining and developing some of the provisions of the Convention above mentioned; and to this Supplementary Convention were annexed Instructions for the cruizers which are to be employed on the said service.

I have judged it expedient that the vessel under your command should be one of the French cruizers furnished with the said Special Instructions.

I herewith transmit to you copies of the principal Convention of the 30th of November, 1831, and of the Instructions thereto annexed, which are above mentioned; and in consequence, I authorize you, and confer upon you the power, in virtue of the present Order, and of the inclosed Warrant from the Government of His Britannic Majesty, to visit merchant vessels under the English flag, suspected of being engaged in the Slave Trade, within the limits described in the 1st Article of the Convention of the 30th November, 1831, (with the conditional extension which is therein explained,) and to act with regard to such of these vessels as may be engaged in a Traffic of Slaves, or as may be suspected of being fitted out for that traffic, in the manner which is prescribed by those different documents.

I instruct you to conform most strictly to all the provisions and stipulations which are therein contained; and desire that you will be careful to exercise the authority with which you are thus invested, in the mildest manner, and with all the consideration which is due between allied and friendly nations, and to co-operate cordially with the commanders of any English ship of war employed on the same service.

Accept, Sir, the assurances of my perfect consideration.

Given at Paris, the

*The Minister Secretary of State for the  
Marine and Colonies.*

*Warrant in virtue of which an English ship of war may visit and detain a French merchant vessel engaged in the Slave Trade, or fitted out for it.*

In a Convention between France and Great Britain signed at Paris, November 30, 1831, for the suppression of the Slave Trade, and in a Supplementary Convention relating to the same object, dated the 22nd March, 1833, it was stipulated that certain cruisers should be authorized, conformably with the Special Instructions which are therein mentioned, to visit and detain, within the extent of certain limits, merchant vessels of the other nation engaged in the Slave Trade, or suspected of being fitted out for that traffic.

Whereas the Government of His Britannic Majesty has judged it expedient that the vessel under your command should be one of the English cruisers furnished with the said Special Instructions: and whereas you will, in consequence, receive from the said Government instructions for your guidance in the execution of the said service, I authorize you and confer upon you the power, *in virtue of such Instructions and of the present Warrant*, to visit merchant vessels under the French flag, suspected of being engaged in the Trade, within the limits described in the 1st Article of the Convention of the 30th November, 1831, with the conditional extension which is therein specified, and to act with regard to such vessels as shall be engaged in the Slave Trade, or as shall be suspected of being fitted out for that traffic, in the manner prescribed in the said Convention, and in the Supplementary Convention, as well as in the Instructions which are thereto annexed.

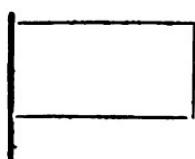
Given at Paris, the

*The Minister Secretary of State for the Department  
of the Marine and Colonies.*

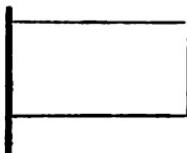
*Private signals which are to be employed by the French and English ships of war, which may be furnished with Instructions in consequence of the Treaty concluded on the 30th November, 1831, for the suppression of the Slave Trade.*

*Secret.*

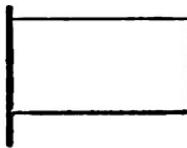
The vessel which shall make the first signal shall hoist the following Flag at the mizen mast head.



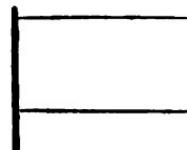
The vessel to which the signal shall have been made, shall reply thereto by hoisting the following Flag at the main mast head.



The vessel which shall have made the first signal shall hoist the following Flag at the main mast head.



The second vessel shall reply by hoisting the following Flag at the mizen mast head.



**ARTICLE II.** It is agreed, with reference to Article III of the Convention of the 30th November, 1831, hereinabove transcribed, that His Majesty the King of Sardinia shall fix, according to his convenience, the number of Sardinian cruisers which shall be employed on the service mentioned in the said Article, and the stations on which they shall cruise.

**ARTICLE III.** The Government of His Majesty the King of Sardinia shall make known to the Governments of Great Britain and of France, conformably to Article IV of the Convention of the 30th November, 1831, the Sardinian ships of war which are to be employed in the suppression of the Trade, in order that the necessary Warrants for their commanders may be delivered. The Warrants which are to be delivered by Sardinia shall be issued after notification of the number of British and French cruisers intended to be employed, shall have been made to the Sardinian Government.

**ARTICLE IV.** It is agreed, with reference to Article V of the Instructions annexed to the Supplementary Convention of March 22, 1833, that all Sardinian vessels, or vessels bearing the Sardinian flag, which may be detained, in execution of the Conventions hereinabove transcribed, by the cruisers of His Majesty the King of the United Kingdom of Great Britain and Ireland, or of His Majesty the King of the French, employed on the stations of America, of Africa, and of Madagascar, shall be carried into, and delivered at, the port of Genoa.

**ARTICLE V.** The present Treaty shall be ratified, and the ratifications shall be exchanged at Turin in the space of three months, or sooner if possible.

In witness whereof the above-named Plenipotentiaries have signed the present Convention in three originals, and have affixed thereto the seal of their arms.

Done at Turin, the 8th of August, 1834.

AUG. J. FOSTER.

(L.S.)

BARANTE.

(L.S.)

DE LA TOUR.

(L.S.)

**ADDITIONAL ARTICLE.**

Whereas by the Fourth Article of the Treaty signed at Turin on the 8th day of August, 1834, whereby the King of Sardinia accedes to the two Conventions concluded between their Majesties the King of the United Kingdom of Great Britain and Ireland, and the King of the French, on the 30th of November, 1831, and on the 22nd of March, 1832, it is stipulated that all vessels under the flag of Sardinia, which, in pursuance of the before-mentioned Treaty and Conventions, may be detained by the cruisers either of His Majesty the King of the United Kingdom of Great Britain and Ireland, or of His Majesty the King of the French, stationed on the coasts of America, Africa, or Madagascar, shall be carried or sent to Genoa: and whereas the landing of Negroes from such ships at Genoa may be productive of great inconvenience; the undersigned Plenipotentiaries of the three Powers parties to the aforesaid Treaty of Accession, being hereunto specially authorised and instructed by their respective Sovereigns, have agreed to the following Additional Article to the before-mentioned Treaty.

**ARTICLE.** Negroes who shall be found on board vessels under the flag of Sardinia, which may be so detained, and which, according

**ARTICLE ADDITIONNEL.**

Attendu que par l'Article IV du Traité signé à Turin le 8 d'Août, 1834, par lequel Sa Majesté le Roi de Sardaigne accède aux deux Conventions conclues entre leurs Majestés le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et le Roi des Français, le 30 Novembre, 1831, et le 22 Mars, 1832, il est stipulé que tous navires sous pavillon Sarde, qui, en vertu du Traité et des Conventions susmentionnées, seraient arrêtés par les croiseurs de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ou de Sa Majesté le Roi des Français, stationnés sur les côtes de l'Amérique, de l'Afrique, ou de Madagascar, seront conduits ou envoyés à Gênes: et attendu que le débarquement à Gênes de Nègres qui se trouveraient à bord de ces bâtimens pourrait entraîner de graves inconvénients; les soussignés Plénipotentiaires des trois Puissances signataires du susdit Traité d'Accession, à ce spécialement autorisés, et conformément aux instructions que chacun d'eux a reçues de son Souverain, sont convenus de l'Article suivant Additionnel au susdit Traité.

**ARTICLE.** Les Nègres trouvés à bord des bâtimens sous pavillon Sarde qui seraient ainsi arrêtés, et qui, conformément aux stipula-

to the stipulations of the saíd Treaty, are to be sent to Genoa, shall be landed at some port nearer than Genoa to the place where such Slave-vessels may be found.

That is to say :

1°. If such Sardinian vessel shall be detained by an English cruiser, the Negroes found on board such vessel shall be landed at that port or place to which an English Slave-vessel found and detained under similar circumstances, and at the same place, by a French cruiser, would, under the aforesaid Conventions with France, be sent or taken.

2°. If such Sardinian vessel shall be detained by a French cruiser, the Negroes found on board such vessel shall be landed at that port or place to which a French Slave-vessel found and detained under similar circumstances, and at the same place, by an English cruiser, would, under the aforesaid Conventions with France, be sent or taken.

3°. If such Sardinian vessel shall be detained by a Sardinian cruiser, the Negroes found on board shall be landed at the nearest of those ports or places, English or French, to which, under the aforesaid Conventions with France, the vessel having such Slaves on board, would have been taken or sent, if such vessel had been either English or French, instead of being Sardinian, and if she had been detained by an English or by a French cruiser.

The present Additional Article shall have the same force and effect as if it had been inserted word for word in the before-mentioned Treaty of Accession signed at Turin on the 8th of August last.

It shall be ratified by each of

tions du dit Traité, doivent être envoyés à Gênes, seront débarqués sur un point plus rapproché que Gênes du lieu où les dits bâtimens Négriers auront été rencontré !

C'est à dire que :

1°. Si un bâtiment Négrier Sard est arrêté par un croiseur Anglais, les Nègres trouvés à bord de ce navire seront débarqués au port ou dans l'endroit auquel un bâtiment Négrier Anglais trouvé et arrêté dans des circonstances semblables, et dans le même endroit, par un croiseur Français, serait, d'après les susdites Conventions avec la France, envoyé ou conduit.

2°. Si un bâtiment Négrier Sard est arrêté par un croiseur Français, les Nègres trouvés à bord du dit navire seront débarqués au port ou dans l'endroit auquel un bâtiment Négrier Français trouvé et arrêté dans des circonstances semblables, et dans le même endroit, par un croiseur Anglais, serait, d'après les susdites Conventions avec la France, envoyé ou conduit.

3°. Si un bâtiment Négrier Sard est arrêté par un croiseur Anglais, les Nègres trouvés à bord de ce bâtiment seront débarqués au plus rapproché des ports ou lieux de débarquement, Anglais ou Français, auquel, d'après les susdites Conventions avec la France, le navire ayant des Esclaves à bord aurait été conduit ou envoyé, si le dit navire eût été Anglais ou Français, au lieu d'être Sard, et s'il eût été arrêté par un croiseur Anglais ou Français.

Le présent Article Additionnel, après avoir été dûment ratifié, aura la même force et le même effet que s'il avait été textuellement inséré dans le susdit Traité d'Accession signé à Turin le 8 Août dernier.

Il sera ratifié par chacune des

the High Contracting Parties, and the ratifications shall be exchanged at Turin within the space of six months.

In faith of which, we, the undersigned Plenipotentiaries, have caused three copies of this Additional Article to be made perfectly conformable to each other, have signed them with our hands, and have thereunto affixed the seal of our arms.

Done at Turin, this 8th day of December, 1834.

(L.S.) HENRY EDWARD FOX.  
(L.S.) BARANTE.  
(L.S.) DE LA TOUR.

Hauts Puissances Contractantes, et les ratifications en seront échangées dans l'espace de six mois à à Turin.

En foi de quoi, nous, Plénipotentiaires soussignés, avons fait faire trois copies du présent Article Additionnel, parfaitement conformes entre elles, les avons signées, et y avons apposé le cachet de nos armes.

Fait à Turin, ce jour huit Décembre, 1834.

(L.S.) HENRY EDWARD FOX.  
(L.S.) BARANTE.  
(L.S.) DE LA TOUR.

## 8. SPAIN.

### SPECIAL ORDER.

*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS a Treaty between Great Britain and Spain, for the Suppression of the Traffic in Slaves, was signed at Madrid on the 28th of June, 1835, and Instructions for Cruizers, marked A, and Regulations for Mixed Courts of Justice, marked B, were annexed thereto, and declared to form an integral part thereof; and the ratifications of the same were exchanged at Madrid on the 27th of August, 1835; and whereas the High Contracting Parties mutually agreed thereby, that the ships of their royal navies, respectively furnished with the Instructions contained in Annex A to the Treaty, might search and send in for trial, vessels suspected of the illegal Traffic in Slaves: and whereas we think fit that Her Majesty's ship under your command should be one of those authorized to act under the Treaty,—

We furnish you with a copy of the said Treaty and of its Annexes, marked A and B; and you are hereby expressly authorized, empowered, and ordered, to act in the suppression of the Traffic in Slaves according to the said Treaty.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To  
*Commander of Her Majesty's ship*

By command of their Lordships,  
SIDNEY HERBERT.

*Treaty between His Majesty and the Queen Regent of Spain,  
during the minority of Her daughter, Donna Isabella the  
Second, Queen of Spain, for the abolition of the Slave Trade.  
Signed at Madrid, June 28th, 1835.*

His Majesty the King of the United Kingdom of Great Britain and Ireland, and Her Majesty the Queen Regent of Spain during the minority of her daughter Donna Isabella the Second, Queen of Spain, being desirous of rendering the means taken for abolishing the inhuman Traffic in Slaves more effective, have, in order to obtain this important object, resolved to conclude a new Convention, in the spirit of the Treaty contracted between both Powers on the 23rd of September, 1817, naming respectively for this as their Plenipotentiaries, to wit:—His Britannic Majesty, George Villiers, Esquire, his Envoy Extraordinary and Minister Plenipotentiary at the Court of Madrid; and Her Majesty the Queen Regent of Spain, Don Francisco de Paula Martínez de la Rosa, Knight Grand Cross of the Royal and Distinguished Spanish Order of Charles the Third, of that of Christ of Portugal, and of that of Leopold of Belgium; who, having duly communicated to each other their respective full powers, and found them in proper form, have agreed upon and concluded the following Articles:—

**ARTICLE I.** The Slave Trade is hereby again declared, on the part of Spain, to be henceforward totally and finally abolished in all parts of the world.

**ARTICLE II.** Her Majesty the Queen Regent of Spain during the minority of her daughter Donna Isabella the Second, hereby engages, that immediately after the

Su Majestad la Reina Gobernadora y Regente de España durante la minoridad de su hija Doña Isabel Segunda, Reina de España, y Su Majestad el Rey del Reino Unido de la Gran Bretaña é Irlanda, deseando hacer mas eficaces los medios de abolir el infame Trafico de Esclavos, han juzgado conveniente concluir un nuevo Convenio para conseguir tan importante objeto, segun el espíritu del Tratado celebrado entre ambas Potencias en 23 de Setiembre, de 1817, nombrando respectivamente para este fin por Plenipotenciarios, á saber:—Su Majestad la Reina Gobernadora y Regente de España, á Don Francisco de Paula Martínez de la Rosa, Caballero Gran Cruz de la Real y Distinguida Orden Española de Carlos Terceiro, de la de Cristo de Portugal, y de la de Leopoldo de Bélgica; y Su Majestad el Rey del Reino Unido de la Gran Bretaña é Irlanda, al Caballero Jorge Villiers, su Enviado Extraordinario y Ministro Plenipotenciario en la Corte de Madrid; los cuales, despues de haberse manifestado sus respectivos plenos poderes, y hallándolos en buena y debida forma, han acordado y concluido los Artículos siguientes:—

**ARTICULO I.** Por el presente Artículo se declara nuevamente, por parte de España, que el Tráfico de Esclavos queda de hoy en adelante total y finalmente abolido en todas las partes del mundo.

**ARTICULO II.** Su Majestad la Reina Gobernadora y Regente de España durante la minoridad de su hija Doña Isabel Segunda, se obliga á adoptar, tan luego

exchange of the ratifications of the present Treaty, and from time to time afterwards, as it may become needful, Her Majesty will take the most effectual measures for preventing the subjects of Her Catholic Majesty from being concerned, and her flag from being used, in carrying on, in any way, the Trade in Slaves; and especially, that within two months after the said exchange, she will promulgate throughout the dominions of Her Catholic Majesty, a penal law, inflicting a severe punishment on all those Her Catholic Majesty's subjects, who shall, under any pretext whatsoever, take any part whatever in the Traffic in Slaves.

**ARTICLE III.** The captain, master, pilot, and crew of a vessel condemned as good prize by virtue of the stipulations of this Treaty, shall be severely punished according to the laws of the country of which they are subjects: as also the owner of the said condemned vessel, unless he proves that he had no participation in the enterprise.

**ARTICLE IV.** In order more completely to prevent all infringement of the spirit of the present Treaty, the two High Contracting Parties mutually consent that those ships of their royal navies, respectively, which shall be provided with Special Instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the Traffic in Slaves, or of having been fitted out for that purpose, or of having, during the voyage on which they are met by the said cruisers, been engaged in the Traffic in Slaves, contrary to the provisions of this Treaty; and that such cruisers may detain, and send or carry away such vessels, in order that they may be brought

como se verifique el cange de las ratificaciones del presente Tratado, y despues de tiempo en tiempo, segun la necesidad lo requiera, las medidas mas efficaces para impedir que los subditos de Su Majestad Católica y su pabellon se empleen, de modo alguno, en el Tráfico de Esclavos; y especialmente se obliga Su Majestad Católica á promulgar en todos sus dominios, dos meses despues del mencionado cange, una ley penal que imponga un castigo severo á todos sus subditos, que, bajo cualquier pretexto, tomen parte, sea la que fuere, en el Tráfico de Esclavos.

**ARTICULO III.** El capitán, maestro, piloto, y tripulacion de un buque condenado como buena presa, en virtud de las estipulaciones de este Tratado, serán castigados severamente, con arreglo á la legislacion del pais de que fueren subditos: é igualmente lo será el propietario de dicho buque condenado, á menos que pruebe no haber tenido parte en la empresa.

**ARTICULO IV.** Con el fin de impedir completamente toda infraccion al espíritu del presente Tratado, las dos Altas Partes Contratantes consienten mutuamente en que los buques de su respectiva real armada, á los que se proveerá segun mas adelante se menciona, con Instrucciones Especiales al efecto, puedan registrar aquellos buques mercantes de ambas naciones, que, por motivos fundados, puedan ser sospechados de que se ocupan en el Tráfico de Esclavos, o de que han sido equipados con dicho intento, ó de que, durante el viage en el que se encuentren con los mencionados cruceros, se han empleado en el Tráfico de Esclavos, contraviniendo á lo que en el presente Tratado se estipula; y consienten tambien ambas Partes

to trial in the manner hereinafter agreed upon.

In order to fix the reciprocal right of search in such a manner as shall be adapted to the attainment of the object of this Treaty, and at the same time avoid doubts, disputes, and complaints, the said right of search shall be understood in the form and according to the rules following:

Firstly. It shall never be exercised except by vessels of war authorized expressly for that object, according to the stipulations of this Treaty.

Secondly. In no case shall the right of search be exercised with respect to a vessel of the royal navy of either of the two Powers, but only as regards merchant vessels.

Thirdly. Whenever a merchant vessel is searched by a ship of war, the commander of the said ship shall, in the act of so doing, exhibit to the commander of the merchant vessel the document by which he is duly authorized to that end; and shall deliver to him a certificate, signed by him, stating his rank in the naval service of his country, and the name of the vessel he commands, and which also declares, that the only object of the search is to ascertain whether the vessel is employed in the Slave Traffic, or if it is fitted up for the said traffic. When the search is made by an officer of the cruiser, who is not the commander, the said officer shall exhibit to the captain of the merchant vessel, a copy of the before-mentioned special orders, signed by the commander of the cruiser; and shall, in like manner, deliver a certificate, signed by him, stating his rank in the royal navy, the name

Contratantes en que los referidos cruceros puedan detener á dichos buques, y enviarlos ó conducirlos para ser juzgados del modo que mas abajo se dispone.

Para fijar este derecho reciproco de registro de tal modo que sea á propósito para conseguir el objeto de este Tratado, sin dar lugar á dudas, controversias y reclamaciones, se entenderá el expuesto derecho en la forma y bajo las reglas siguientes:

Primera. Nunca podrá ejercerse sino por buques de guerra autorizados expresamente al efecto, segun se estipula en este Tratado.

Segunda. En ningun caso podrá ejercerse el derecho de registro respecto de un buque de la marina real de una á otra nacion, sino meramente respecto de los buques mercantes.

Tercera. Siempre que un barco mercante sea registrado por un buque de guerra, deberá el comandante de este presentar en el acto al comandante del barco mercante, el documento que acredite estar competentemente autorizado al efecto, y le entregará un certificado, firmado por él, que indique su graduacion en la real armada de su pais, y el nombre del buque que manda, y que compruebe que el único objeto del registro es asegurarse de si el barco se ocupa en el Comercio de Esclavos, ó si está armado para este tráfico. Cuando el registro deta hacerse por un oficial del crucero que no sea su comandante, dicho oficial exhibirá al capitán del buque mercante una copia de las ordenes especiales ya mencionadas, firmada por el comandante del crucero, y le entregará tambien un certificado, firmado por él, que indique la graduacion que tenga en la armada, el nombre del comandante

of the commander by whose orders he proceeds to make the search, that of the cruiser in which he sails, and the object of the search, as has been already laid down. If it appears from the search that the papers of the vessel are in regular order, and that it is employed on licit objects, the officer shall enter in the log-book of the vessel, that the search has been made in pursuance of the aforesaid special orders; and the vessel shall be left at liberty to pursue its voyage. The rank of the officer who makes the search must not be less than that of lieutenant of the royal navy, unless the command, either by reason of death or other cause, is at the time held by an officer of inferior rank.

Fourthly. The reciprocal right of search and detention shall not be exercised within the Mediterranean Sea, or within the seas in Europe lying without the Straits of Gibraltar, and which lie to the northward of the thirty-seventh parallel of north latitude, and also within and to the eastward of the meridian of longitude twenty degrees west of Greenwich.

ARTICLE V. In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed:

Firstly. That all the ships of the royal navies of the two nations which shall be hereafter employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present Treaty, of the Instructions for Cruizers annexed thereto, marked A, and of the Regulations for the Mixed Courts of Justice annexed thereto, marked B; which Annexes, respectively, shall be considered as integral parts of the Treaty.

que le mandó proceder al registro, el del crucero en que navegará, y el objeto del registro, según se ha expresado ya. Si constare por el registro que los papeles del buque están en regla, y que sus operaciones son licitas, el oficial expresará en el diario de la embarcación que el registro se ha verificado en virtud de las órdenes especiales precitadas, y el buque quedará en libertad de continuar su viage. La graduacion del oficial que haga el registro no deberá ser inferior á la de teniente de la real armada; á no ser que por muerte u otra causa haya recaido el mando en un oficial de graduacion inferior.

Cuarto. El derecho reciproco de registro y detención no podrá ejercerse en el Mar Mediterraneo, ni en los mares de Europa que se hallan fuera del Estrecho de Gibraltar, y que se extienden al norte del paralelo 37° de latitud septentrional, y á la parte oriental del meridiano situado á veinte grados oeste del de Greenwich.

ARTICULO V. Para arreglar el modo de poner en ejecucion las disposiciones del Artículo que precede, se estipula:

Primero. Que á todos los buques de la marina real de ambas naciones que en lo sucesivo se empleen en impedir el Tráfico de Esclavos, se les suministrarán por sus respectivos Gobiernos copia de este Tratado en lengua Española é Inglesa, de las Instrucciones para los Cruceros á el anexas, y señaladas con la letra A, y de los Reglamentos que han de servir de guia á los Tribunales Mixtos de Justicia, que son anexos tambien bajo la letra B; debiendo ambos documentos considerarse como parte integrante de este Tratado.

**Secondly.** That each of the High Contracting Parties shall, from time to time, communicate to the other the names of the several ships furnished with such Instructions, the force of each, and the names of their several commanders. The said commanders ought to hold the rank of captain in the royal navy, or at least of lieutenant: it being nevertheless understood, that the instructions originally issued to an officer holding the rank of lieutenant of the navy, or other superior rank, shall be sufficient, in case of death or temporary absence of the same, to authorize the officer on whom the command of the vessel has devolved, to make the search, although the said officer may not hold the aforesaid rank in the service.

**Thirdly.** That if at any time the commander of a cruiser of either of the two nations shall suspect, that any merchant vessel under the escort or convoy of any ship or ships of war of the other nation, carries Slaves on board, or has been engaged in the Traffic in Slaves, or is fitted out for the purpose thereof, the said commander of the cruiser shall communicate his suspicions to the commander of the convoy, who, accompanied by the commander of the cruiser, shall proceed to the search of the suspected vessel; and in case that the suspicions appear well founded, according to the tenour of this Treaty, then the said vessel shall be conducted or sent to one of the points where the Mixed Courts of Justice are stationed, in order that the just sentence may there be pronounced.

**Fourthly.** It is further mutually agreed, that the commanders of the ships of the two royal navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid Instructions.

**Segundo.** Que cada una de las Altas Partes Contratantes comunicarán en lo sucesivo, de tiempo en tiempo, los nombres de los varios buques provistos con las Instrucciones susodichas, la fuerza de cada uno, y los nombres de sus comandantes, los cuales deberán tener el grado de capitanes de navio ó de fragata, ó cuando menos el de tenientes. Queda no obstante entendido, que las instrucciones dadas originariamente á un oficial revestido de la graduacion de teniente de navio, ó de otra superior, serán suficientes, en caso de fallecimiento ó ausencia temporal del mismo, para autorizar al registro al oficial en quien recaiga el mando del buque, aun cuando no tenga en el servicio la expresada graduacion.

**Tercero.** Cuando el comandante de un crucero de una de ambas naciones tenga sospechas de que alguno ó algunos de los buques que naveguen bajo la escolta ó convoy de un buque de guerra de la otra nacion, lleva Esclavos á bordo, ó se ha ocupado en este tráfico prohibido, ó está equipado para él, comunicará sus sospechas al comandante del convoy, quien, acompañado por el comandante del crucero, procederá al registro del buque sospechoso; y en caso de que aparezcan fundados los motivos de estas sospechas, con arreglo al tenor de este Tratado, dicho barco será conducido ó enviado á uno de los puntos donde residan los Tribunales Mixtos, para que allí recaiga el competente fallo.

**Cuarto.** Tambien queda mutuamente concertado, que los comandantes de los respectivos buques de guerra de ambas Potencias, que se empleen en este servicio, deberán atenerse estrictamente al exacto tenor de las Instrucciones arriba mencionadas.

**ARTICLE VI.** As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects may incur by the arbitrary and illegal detention of their vessels; it being understood, that this indemnity shall be borne by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention; and that the visit and detention of vessels specified in the Fourth Article of this Treaty, shall only be effected by those British or Spanish ships which may form part of the two royal navies, respectively; and by such of those ships only as are provided with the Special Instructions annexed to the present Treaty, in pursuance of the provisions thereof. The indemnification for the damages of which this Article treats, shall be made within the term of one year, reckoning from the day in which the Mixed Court of Justice pronounces its sentence.

**ARTICLE VII.** In order to bring to adjudication with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of the Fourth Article of this Treaty, there shall be established, as soon as may be practicable, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, and named for this purpose by their respective Sovereigns. These Courts shall reside, the one in a possession belonging to His Britannic Majesty, the other within the territories of Her Catholic Majesty; and at the period of the exchange of the ratifications of the present Treaty, the two Governments shall declare, each for its own dominions, in what place these Courts shall respectively reside.

" But each of the two High Con-

**ARTICULO VI.** Como los dos Artículos que preceden son enteramente reciprocos, las dos Altas Partes Contratantes se obligan mutuamente á abonar las pérdidas que sus respectivos subditos puedan experimentar por la detención arbitraria é ilegal de sus buques; en la inteligencia de que la indemnización será satisfecha por el Gobierno, cuyo crucero haya incurrido en dicha arbitraría y ilegal detención; y que el registro y detención de los buques especificados en el Artículo Cuarto de este Tratado, solo se verificarán por los buques Españoles é Ingleses que formen parte de la real armada respectiva de ambas Potencias; y solo por aquellos de estos buques que vayan provistos de las Instrucciones Especiales anexas á este Tratado, con arreglo á lo que en él se estipula. El resarcimiento de perjuicios de que trata este Artículo, habrá de verificarse dentro del término de un año, contado desde el dia en que la Comision Mixta haya pronunciado su fallo.

**ARTICULO VII.** Para proceder con el menor retardo y perjuicio posibles á la adjudicación de los buques que sean detenidos, con arreglo al tenor del Artículo Cuarto de este Tratado, se establecerán, tan luego como sea practicable, dos Tribunales Mixtos de Justicia, formados de un número igual de individuos de ambas naciones, nombrados á este fin por sus respectivos Soberanos. De estos Tribunales, uno residirá en territorio perteneciente á Su Majestad Británica, y otro en las posesiones de Su Majestad Católica; debiendo declarar cada uno de los dos Gobiernos, al efectuarse el cange de las ratificaciones del presente Tratado, en que paraje de sus respectivos dominios han de residir estos Tribunales.

Pero cada una de las dos Altas

tracting Parties reserves to itself the right of changing, at its pleasure, the place of residence of the Court held within its own dominions: provided always, that one of the two Courts shall always be held upon the coast of Africa, and the other in one of the colonial possessions of Her Catholic Majesty.

These Courts, from which there shall be no appeal, shall judge the causes submitted to them according to the provisions of the present Treaty, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered an integral part thereof.

**ARTICLE VIII.** It is hereby agreed between the High Contracting Parties, that the Mixed Commissions which are at present established and sitting under the Convention concluded between Great Britain and Spain on the 23rd September, 1817, shall continue to sit; and shall, during two months, to be reckoned from the exchange of the ratifications of this Treaty, and until the further appointment and definitive establishment of the Mixed Courts of Justice under the present Treaty, adjudge, without appeal, according to the principles and stipulations of the same, and of the several Annexes thereto, the cases of such vessels as may be sent or brought before them; and any vacancies which may occur in such Mixed Commissions shall be filled up in the same manner in which vacancies of the Mixed Courts of Justice, to be established under the provisions of this Treaty, are to be supplied.

**ARTICLE IX.** In case the commanding officer of any of the ships of the royal navies of Great Britain and Spain, respectively, duly commissioned according to the pro-

Partes Contratantes se reserva el derecho de variar, cuando lo plazca, el lugar de la residencia del Tribunal que se halle en ejercicio en sus dominios; con tal, sin embargo, que uno de los dos Tribunales resida en la costa de Africa, y el otro en una de las posesiones coloniales de Su Majestad Católica.

Estos Tribunales, cuyas sentencias serán sin apelación, juzgarán las causas que se les sometas, con arreglo á las estipulaciones del presente Tratado, y de conformidad con los Reglamentos é Instrucciones que son anexas á él, y se considerán parte integrante del mismo.

**ARTICULO VIII.** Las Altas Partes Contratantes convienen en que las Comisiones Mixtas que se hallan en la actualidad establecidas, y en ejercicio, con arreglo al Convenio concluido entre la Gran Bretaña y España el 23 de Setiembre de 1817, continuarán en sus funciones; y que, durante dos meses contados desde el cange de las ratificaciones de este Tratado, y hasta que se nombren y establezcan definitivamente los Tribunales Mixtos de Justicia que se mencionan en este Tratado, sentenciarán sin apelación, y arreglándose á los principios y estipulaciones del mismo, y de los documentos á él anexos, los casos de los buques que se les envíen ó conduzcan; debiendo llenarse las vacantes que en dichas Comisiones Mixtas ocurrán, del mismo modo que se suplirán las vacantes de los Tribunales Mixtos de Justicia que se establecen por el presente Tratado.

**ARTICULO IX.** Si el oficial comandante de cualquiera de los buques de la real armada respectiva de España y de la Gran Bretaña, debidamente comisionado según lo

visions of the Fourth Article of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation ; and in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

ARTICLE X. It is hereby further mutually agreed, that every merchant vessel, British or Spanish, which shall be visited by virtue of the present Treaty, may lawfully be detained, and sent or brought before the Mixed Courts of Justice established in pursuance of the provisions thereof, if, in her equipment, there shall be found any of the things hereinafter mentioned, namely :

1st. Hatches, with open gratings, instead of the close hatches which are usual in merchant vessels.

2nd. Divisions or bulk-heads in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

3rd. Spare planks, fitted for laying down as a second or slave-deck.

4th. Shackles, bolts, or handcuffs.

5th. A larger quantity of water in casks or in tanks, than is requisite for the consumption of the crew of the vessel, as a merchant vessel.

6th. An extraordinary number of water casks, or of other vessels for holding liquid ; unless the

que en el Artículo Cuarto de este Tratado se estipula, se desviasse de algun modo de las estipulaciones del mismo, ó de las Instrucciones á él anexas, el Gobierno que se juzgue agraviado tendrá derecho á pedir satisfaccion ; y en tal caso, el Gobierno á que dicho oficial comandante pertenezca, se obliga á mandar hacer indagacion del hecho que motive la queja, y a imponer al mencionado oficial una pena proporcionada á la transgresion voluntaria que haya cometido.

ARTICULO X. Queda ademas mutuamente convenido, que todo buque mercante Ingles ó Espaniol que sea registrado en virtud del presente Tratado, pueda ser legalmente detenido, y enviado ó conducido ante los Tribunales Mixtos de Justicia establecidos por las estipulaciones del mismo, si en su equipo se encuentran algunos de los enseres siguientes :

1º. Escotillas con redes abiertas, en lugar de las escotillas cerradas que se usan en los buques mercantes.

2º. Separaciones ó divisiones en la bodega ó sobre cubierta, en mayor número que el necesario para los buques destinados al tráfico legal.

3º. Tablones de repuesto ó postizos, preparados para formar una segunda cubierta, ó entrepuente para Esclavos.

4º. Cadenas, grillos, y manillas.

5º. Una cantidad de agua en vajijas ó cubas, mayor que la necesaria para el consumo de la tripulacion del buque registrado, en su calidad de buque mercante.

6º. Un número extraordinario de barriles de agua, ó de otras vajijas para contener líquidos, &

master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating, that a sufficient security had been given by the owners of such vessel, that such extra quantity of casks, or of other vessels, should only be used to hold palm oil, or for other purposes of lawful commerce.

7th. A greater quantity of mess tubs or kids than are requisite for the use of the crew of the vessel, as a merchant vessel.

8th. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel, as a merchant vessel ; or more than one boiler of the ordinary size.

9th. An extraordinary quantity either of rice, of the flour of Brazil, of manioc or cassada, commonly called farinha of maize, or of Indian corn, beyond what might probably be requisite for the use of the crew : such rice, flour, maize, or Indian corn, not being entered on the manifest as part of the cargo for trade.

Any one or more of these several circumstances, if proved, shall be considered as *prima facie* evidence of the actual employment of the vessel in the Slave Trade ; and the vessel shall, thereupon, be condemned and declared lawful prize, unless satisfactory evidence, upon the part of the master or owners, shall establish that such vessel was, at the time of her detention or capture, employed in some legal pursuit.

ARTICLE XI. If any of the things specified in the preceding Article shall be found in any merchant vessel, neither the master, nor owner, nor any person whatever, interested in her equipment or cargo, shall be entitled to compensation for losses or damages, even

menos que el capitán no exhiba un certificado de la aduana del paraje de donde haya partido, affirmando que se han dado por los propietarios de dicho buque suficientes seguridades de que la mencionada superabundante cantidad de barriles y vasijas será tan solo empleada para contener aceite de palma, u otros objetos de lícito comercio.

7º. Una cantidad de calderas de rancho ó vasijas mayor de la que se requiere para el uso de la tripulación del buque registrado, en su calidad de buque mercante.

8º. Una caldera de un tamaño extraordinario, y de magnitud mayor que la que se requiere para el uso de la tripulación del buque registrado, en su calidad de buque mercante ; ó mas de una caldera de tamaño ordinario.

9º. Una cantidad extraordinaria de arroz, de harina del Brasil, de manioco ó cassada, vulgarmente llamado harina de maiz, y superior á la que probablemente se requiere para el uso de la tripulación ; siempre que el arroz, harina, ó maiz, no se designen en el manifiesto como parte del cargamento para negociar.

Alguna ó algunas de estas circunstancias que se prueben, se considerarán como indicios *prima facie* de que el buque se occupa en el Comercio de Negros, y servirán para condenarle y declararle buena presa, á menos que el capitán ó los dueños del buque prueben satisfactoriamente que dicho buque se hallaba empleado, al tiempo de su detención, en alguna especulación legal.

ARTICULO XI. Si se hallare á bordo de un buque mercante alguno ó algunos de los objetos especificados en el Artículo anterior, ni el capitán, ni el propietario, ni persona alguna interesada en el equipo ó cargamento del buque, tendrá derecho á reclamar daño y

though the Mixed Court of Justice should not pronounce any sentence of condemnation, in consequence of her detention; but the same Tribunal shall be authorized to pay out of the prize fund, if they shall think it in equity required, some sum of money proportionate to the demurrage suffered, and according to the circumstances of the case.

ARTICLE XII. It is agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained under this Treaty, by their respective graziers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up,

ARTICLE XIII. The Negroes who are found on board of a vessel detained by a cruiser, and condemned by the Mixed Courts of Justice, in conformity with the stipulations of this Treaty, shall be placed at the disposition of the Government whose cruiser has made the capture; but on the understanding that not only they shall be immediately put at liberty and kept free,—the Government to whom they have been delivered guaranteeing the same,—but likewise engaging to afford, from time to time, and whenever demanded by the other High Contracting Party, the fullest information as to the state, and condition of such Negroes, with a view of ensuring the due execution of the Treaty in this respect.

For this purpose, the Regulations annexed to this Treaty, sub-

perjutorios, aun estando el Tribunal Mixto no le haya condenado; pero el mismo Tribunal estará autorizado á abonarle del fondo de presas, y conforme á lo que dictare la equidad, segun el caso y las circunstancias, alguna cantidad proporcionada en razon de estadías.

ARTICULO XII. Las dos Altas Partes Contratantes han convenido en que siempre que, en virtud de este Tratado, se detenga un buque por sus respectivos cruceros, bien por haberse empleado en el Tráfico de Esclavos, ó bien por hallarse equipado para dicho objeto, y que en consecuencia sea juzgado y condenado por los Tribunales Mixtos de Justicia qua han de establecerse segun queda estipulado, dicho buque será hecho pedazos inmediatamente despues de condenado, y se procederá á su venta por trozos separados.

ARTICULO XIII. Los Negros que se hallaren á bordo de un buque detenido par un crucero, y condenado por la Comision Mixta, con arreglo á lo dispuesto en este Tratado, quedarán á disposicion del Gobierno, cuyo crucero haya hecho la presa; pero en la inteligencia de que no solo habrán de ponerse inmediatamente en libertad y conservarse en ella,— saliendo de elle garante el Gobierno á que hayan sido entregados,— sino que deberá este suministrar las noticias y datos mas cabales acerca del estado y condicion de dichos Negros, siempre que sea requerido por le otra Parte Contratante, con el fin de asegurarse de la fiel ejecucion del Tratado bajo este respecto.

Con el propio fin se ha extendido el Reglamento anexo á este

Article C, as to the treatment of Negroes liberated by sentence of the Mixed Courts of Justice, have been drawn up, and are declared to form an integral part of this Treaty.

The two High Contracting Parties reserve to themselves the right to alter or suspend, by common consent and mutual agreement, but not otherwise, the terms and tenour of such Regulations.

ARTICLE XIV. The acts or instruments annexed to this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:

A. Instructions for the ships of the royal navies of both nations, destined to prevent the Traffic in Slaves.

B. Regulations for the Mixed Courts of Justice which are to hold their sittings on the coast of Africa, and in one of the colonial possessions of Her Catholic Majesty.

C. Regulations as to the treatment of liberated Negroes.

ARTICLE XV. The present Treaty, consisting of fifteen Articles, shall be ratified, and the ratifications thereof exchanged within the space of two months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed in duplicate, two originals, English and Spanish, the present Treaty, and have thereunto affixed the seal of their arms.

Madrid, this twenty-eighth day of June, in the year one thousand eight hundred and thirty-five.

GEORGE VILLIERS.

(L.S.)

Tratado, bajo la letra C, concerniente al trato de los Negros emancipados en virtud de sentencia de los Tribunales Mixtos de Justicia; quedando declarado que dicho Reglamento forma parte integrante de este Tratado.

Las dos Altas Partes Contratantes se reservan el derecho de alterar ó suspender, por comun acuerdo y mútuo consentimiento, pero no de otro modo, los términos y el tenor del mencionado Reglamento.

ARTICULO XIV. Los actos ó instrumentos anexos al presente Tratado, y que, segun se ha convenido mutuamente deberán formar parte integrante de él, son los siguientes:

A. Instrucciones para los buques de las reales armadas de ambas naciones, destinados á impedir el Tráfico de Esclavos.

B. Reglamento para los Tribunales Mixtos de Justicia, que han de celebrar sus sesiones en la costa de Africa, y en una de las posesiones coloniales de Su Majestad Católica.

C. Reglamento sobre el modo de tratar á los Negros emancipados.

ARTICULO XV. El presente Tratado, que consta de quince Artículos, será ratificado, y las ratificaciones de él serán cangeadas en el término de dos meses, contados desde el dia de la fecha, ó antes si fuere posible.

En testimonio de lo cual, los respectivos Plenipotenciarios han firmado por duplicado dos ejemplares del presente Tratado original, en Español y en Ingles, y los han sellado con el sello de sus armas.

Madrid, veinte y ocho de Junio, de mil ochocientos treinta y cinco.

FRANCISCO MARTINEZ DE LA ROSA.

(L.S.)

*Annex A to the Treaty between Great Britain and Spain, for the abolition of the Slave Trade, of the twenty-eighth of June, 1835.*

*Instructions for the Ships of the British and Spanish Royal Navies, employed to prevent the Traffic in Slaves.*

**ARTICLE I.** The commander of any ship belonging to the royal British or Spanish navy, which shall be furnished with these Instructions, shall have a right to search and detain any British or Spanish merchant vessel, which shall be actually engaged, or suspected to be engaged in the Slave Trade, or to be fitted out for the purposes thereof, or to have been engaged in the Traffic in Slaves, during the voyage in which she may be met with by such ship of the British or Spanish navy; and such commander shall thereupon bring or send such merchant vessel, as soon as possible, for judgment, before that one of the two Mixed Courts of Justice, established in virtue of the 7th Article of the said Treaty, which shall be the nearest to the place of detention, or which such commander shall, upon his own responsibility, think can be soonest reached from such place.

**ARTICLE II.** Whenever a ship of either of the royal navies, duly authorized as aforesaid, shall meet a merchant vessel liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall, in all cases, be

*Anexo A al Tratado entre la Gran Bretaña y España, para la abolición del Tráfico de Esclavos, de veinte y ocho de Junio de 1835.*

*Instrucciones para los Buques de las Reales Armadas de Inglaterra y de España, destinados a impedir el Tráfico de Esclavos.*

**ARTICULO I.** El comandante de un buque perteneciente á la real armada Inglesa ó Española, que se halle provisto de estas Instrucciones, tendrá derecho de registrar y detener cualquiera embarcacion mercante Inglesa ó Española, que se esté ocupando, ó sea sospechada de estarse ocupando, en el Tráfico de Esclavos, ó que está equipada con dicho objeto, ó se haya empleado en el Tráfico de Esclavos durante el viage en que haya sido encontrada por dicha embarcacion de la real armada Inglesa ó Española; y el mencionado comandante conducirá, en consecuencia, ó enviará, la expresada embarcacion mercante lo mas pronto posible, para que sea juzgada, ante uno de los Tribunales Mixtos de Justicia establecidos en virtud del Artículo 7º de dicho Tratado, y que se halle mas inmediato al sitio donde se ha verificado la detencion; ó al que el mencionado comandante crea, bajo su responsabilidad, que puede arribarse mas pronto desde el sitio donde se ha efectuado la detencion.

**ARTICULO II.** Cuando un buque de cualquiera de ambas marinas reales, debidamente autorizado del modo que arriba se expresa, encuentre una embarcacion mercante sujeta al registro, con arreglo á las estipulaciones del mencionado Tratado, este registro se verificará con la mayor mansedumbre, y con todos los miramientos que deben observarse entre naciones

made by an officer holding a rank not lower than that of lieutenant in the navies of Great Britain and Spain, respectively; or by the officer who at the time shall be second in command of the ship by which such search is made.

**ARTICLE III.** The commander of any ship of the royal navies, duly authorized as aforesaid, who may detain any merchant vessel in pursuance of the tenour of the present Instructions, shall leave on board the vessel so detained, the master, the mate, or boatswain, and two or three, at least, of the crew thereof; the whole of the Slaves, if any, and all the cargo. The captor shall, at the time of detention, draw up, in writing, an authentic declaration, which shall exhibit the state in which he found the detained vessel; such declaration to be signed by himself, and to be given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be carried or sent for adjudication. He shall deliver to the master of the detained vessel a signed certificate of the papers seized on board the same, as well as of the number of Slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certificate of the papers seized, he shall insert his own name and surname, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found on board of the vessel at the time of the detention.

The officer in charge of the

aliadas y amigas; y dicho registro se practicará, en todos los casos, por un oficial revestido al menos de la graduación de teniente de la real armada respectiva de la Gran Bretaña ó de España; é por el oficial que, á la sazon, sea el segundo comandante del buque que haga el registro.

**ARTICULO III.** El comandante de cualquier buque de la real armada, debidamente autorizado segun arriba se expresa, que, ateniendose al tenor de estas Instrucciones, detenga una embarcacion mercante, dejará á bordo de ella al capitán, piloto, ó contramaestre, y á dos ó tres, á lo menos, de su tripulacion; todos los Esclavos, si se hallasen algunos; y todo el cargamento. El aprehensor extenderá, al verificar la aprehension, una declaración escrita, en la que se manifieste el estado en que halló á la embarcacion detenida; y esta declaración, firmada por él mismo, será entregada ó remitida, con el buque apresado, al Tribunal Mixto de Justicia, ante el cual dicha embarcacion sea conducida ó enviada para ser juzgada. El aprehensor entregará ademas al capitán de la embarcacion detenida, un certificado firmado, y expresivo de los papeles encontrados á bordo de la misma, y del número de Esclavos que en ella se hallaron en el momento de la aprehension.

En la declaración auténtica que el aprehensor queda por el presente obligado á hacer, é igualmente en el certificado que deberá dar de los papeles aprehendidos, insertará su nombre y apellido, el nombre del buque aprehensor, la latitud y longitud del parage donde se haya efectuado la aprehension, y el número de Esclavos hallados á bordo de la embarcacion en el momento de la captura.

El oficial encargado de conductir

vessel, detained shall, at the time of bringing the vessel's papers into the Mixed Court of Justice, deliver into the Court a paper signed by himself, and verified on oath, stating the changes which have taken place in respect to the vessel; her crew, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such paper.

**ARTICLE IV.** The Slaves shall not be disembarked until after the vessel which contains them shall have arrived at the place of adjudication, in order that, in the event of the vessel not being adjudged legal prize, the loss of the proprietors may be more easily repaired ; and even after the arrival of the Slaves at such place, they are not to be landed without the permission of the Mixed Court of Justice.

But if urgent reasons, arising from the length of the voyage, from the state of health of the Slaves, or from any other causes, should require that either the whole or a portion of the Negroes should be disembarked before the vessel can arrive at the place at which one of the said Courts is established, the commander of the capturing ship may take upon himself the responsibility of so disembarking the Negroes, provided that the necessity of the disembarkation, and the causes thereof, be stated in a certificate in proper form ; and provided that this certificate shall be drawn up and entered at the time on the log-book of the detained vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the Fourteenth Article of the

la embarcacion aprehendida, entregará al Tribunal Mixto de Justicia, al tiempo de presentarle los papeles de aquella, un documento ó testimonio firmado por él, en el que exprese, bajo juramento, las variaciones que hayan ocurrido respecto al buque, á su tripulacion, á los Esclavos, si se hubiesen halado algunos, y al cargamento, en el tiempo transcurrido desde la detencion de dicha embarcacion hasta el dia de la entrega de dicho documento ó testimonio.

**ARTICULO IV.** Los Esclavos no se desembarcarán hasta tanto que la embarcacion que los conduzca haya llegado al lugar donde haya de ser juzgada, á fin de que, si sucediese que la embarcacion no fuese declarada buena presa, puedan resarcirse mas facilmente las pérdidas de los propietarios ; y aun despues de la llegada de los Esclavos al mencionado lugar, no serán estos desembarcados, sin que proceda al efecto la licencia del Tribunal Mixto de Justicia.

Pero si motivos urgentes, originados bien sea por la prolongacion del viage, bien por el estado de la salud de los Esclavos, ó por otras causas, exigiesen que todos los Negros, ó parte de ellos, sean desembarcados antes de que la embarcacion llegue al lugar en donde esté establecido uno de los Tribunales mencionados, el comandante del buque aprehensor podrá tomar sobre si la responsabilidad de desembarcar los Negros, con tal que la necesidad y causas de este desembarco se expresen en un certificado en debida forma, y con tal que este certificado se extienda y se copie, llegado que sea el caso, en el libro de navegacion del buque aprehendido.

Los infrascriptos Plenipotenciarios han convenido, de conformidad con lo prevenido en el Arti-

Treaty signed by them on this day, the 28th of June, 1835, that the present Instructions shall be annexed to the said Treaty, and be considered an integral part thereof.

This day, the twenty-eighth of June, in the year one thousand eight hundred and thirty-five.

GEORGE VILLIERS.  
(L.S.)

*Annex B to the Treaty between Great Britain and Spain, for the abolition of the Slave Trade, of the 28th of June, 1835.*

*Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa, and in a Colonial Possession of Her Catholic Majesty.*

ARTICLE I. The Mixed Courts of Justice to be established under the provisions of the Treaty, of which these Regulations are declared to be an integral part, shall be composed in the following manner:

The two High Contracting Parties shall each of them name a judge and an arbitrator, who shall be authorized to hear and to decide, without appeal, all cases of capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them.

The judges and the arbitrators shall, before they enter upon the duties of their office, respectively make oath before the principal magistrate of the place in which such Courts, respectively, shall reside, that they will judge fairly and faithfully; that they will have no preference either for the claimant or for the captors; and

que 14 de este Tratado firmada por ellos el dia de hoy, veinte y ocho de Junio, de 1835, que las presentes Instrucciones corran anexas á dicho Tratado, y serán consideradas como parte integrante de él.

Hoy veinte y ocho de Junio, de 1835.

FRANCISCO MARTINEZ DE LA ROSA.  
(L.S.)

*Anexo B al Tratado entre la Gran Bretaña y España, para la abolición del Tráfico de Esclavos, del veinte y ocho de Junio, de 1835.*

*Reglamento para los Tribunales Mixtos de Justicia que han de residir en la Costa de África, y en una de las Posesiones Coloniales de Su Majestad Católica.*

ARTICULO I. Los Tribunales Mixtos de Justicia que se han de establecer, en virtud de las estipulaciones del Tratado del cual este Reglamento es declarado formar parte integrante, se compondrán de la manera siguiente:

Cada una de las dos Altas Partes Contratantes nombrará un juez y un árbitro autorizados para examinar y sentenciar, sin apelación, todos los casos de captura ó detención de buques que sean conducidos ante ellos, con arreglo á las estipulaciones del susodicho Tratado.

Estos jueces y árbitros antes de entrar en el ejercicio de sus funciones, se obligarán respectivamente por juramento, que prestarán ante el magistrado superior del lugar en donde los Tribunales residan, respectivamente, á juzgar leal y fielmente, á no mostrar parcialidad ni á favor de los aprehendidos ni de los aprehensores, y á observar en

that they will act in all their decisions in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a secretary or registrar, who shall be appointed by the Sovereign in whose territories such Court shall reside.

Such secretary or registrar shall register all the acts of such Court; and shall, before he enters upon his office, make oath, before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the secretary or registrar of the Court to be established on the coast of Africa, shall be paid by His Britannic Majesty; and that of the secretary or registrar of the Court to be established in the colonial possessions of Spain, shall be paid by Her Catholic Majesty.

Each of the two Governments shall defray half of the aggregate amount of the expenses of such Courts.

**ARTICLE II.** The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, Slaves, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising out of the sale of the materials of the vessel, after the vessel shall have been broken up, of the ship's stores, and of such parts of the cargo as shall consist of merchandize. And in case the proceeds arising out of this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the

todas sus sentencias las estipulaciones del Tratado arriba citado.

A cada uno de los Tribunales Mixtos se agregará un secretario ó actuaria, nombrado por el Soberano en cuyo territorio resida el referido Tribunal.

Este secretario ó actuaria extenderá los procedimientos judiciales del Tribunal; y antes de entrar en el ejercicio de sus funciones, prestará juramento ante el Tribunal á que sea agregado, de conducirse con el debida respeto á la autoridad del mismo, y de obrar fiel e imparcialmente en todo quanto se refiera al cargo que le está confiado.

El sueldo del secretario ó actuaria del Tribunal que se establezca en la costa de Africa, será pagado por Su Majestad Británica; y el del secretario ó actuaria del Tribunal que se establezca en las posesiones coloniales de España, por Su Majestad Católica.

Cada uno de los dos Gobiernos satisfará la mitad del importe reunido de los gastos de los expresados Tribunales Mixtos.

**ARTICULO II.** Los gastos hechos por el oficial encargado de recibir, mantener, y cuidar del buque capturado, sus Esclavos, y cargamento, y de la ejecución de la sentencia, y todos los desembolsos occasionados para conducir una embarcación á ser juzgada, serán satisfechos, en el caso de que sea condenada, de los fondos producidos por la venta del material de la embarcación, después que esta haya sido hecha pedazos, de los enseres de la embarcación, y de la parte de su cargamento que consista en mercancías. En el caso de que los productos de esta venta no sean suficientes para satisfacer los mencionados gastos, se abonará

Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captors, except in the cases specified and otherwise provided for under Article the Eleventh of the Treaty to which these Regulations form an Annex, and under Article the Seventh of these Regulations.

ARTICLE III. The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruisers of either nation shall, in pursuance of the said Treaty, detain.

These Courts shall adjudge definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Courts shall take place as summarily as possible; and for this purpose, the Courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding Court shall reside.

The final sentence shall not, in any case, be delayed beyond the period of two months, whether on account of the absence of witnesses, or for any other cause, except upon the application of any of the parties interested; but in that case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months.

Either party shall be allowed to

el deficit por el Gobierno del pais, en cuyo territorio se haya hecho la adjudicacion del buque.

Si la embarcacion aprehendida fuere declarada libre, los gastos que ocasiona su conduccion ante el Tribunal se satisfaran por los aprehensores, excepto en los casos especificados y previstos en el Artículo Undecimo del Tratado de que forma parte este Reglamento, y en el Artículo Séptimo de este mismo Reglamento.

ARTICULO III. Los Tribunales Mixtos de Justicia decidiran de la legalidad de la detencion de las embarcaciones que aprehendan los cruzeros de ambas naciones, en cumplimiento del Tratado mencionado.

Dichos Tribunales juzgaran definitivamente y sin apelacion, todas las cuestiones que se originen de la captura y detencion de las expresas embarcaciones.

Los procedimientos judiciales de estos Tribunales se efectuaran tan sumariamente como sea posible; y con este fin se encarga á los mismos que, en cuanto sea practicable, decidan cada caso en el termino de veinte dias contados desde el dia en que la embarcacion aprehendida haya entrado en el puerto en donde residiere el Tribunal que deba juzgar.

En ningun caso se diferira la sentencia definitiva mas allá del periodo de dos meses, ya sea por motivo de ausencia de testigos, o ya por otra causa cualquiera, salvo cuando las partes interesadas interpongan recurso; en cuyo caso, y siempre que dicha parte ó partes interesadas presenten fianzas suficientes de abonar los gastos, y tomar sobre si los riesgos de la dilacion, los Tribunales podran conceder, á su arbitrio, una nueva demora, pero esta no debera exceder de cuatro meses.

Las partes tendran la facultad

employ such counsel as he may think fit to assist him in the conduct of his cause.

All the acts and essential parts of the proceedings of the said Courts shall be written down in the language of the country in which the Courts shall respectively reside.

ARTICLE IV. The form of the process, or mode of proceeding to judgment, shall be as follows:

The judges appointed by the two nations, respectively, shall, in the first place, proceed to examine the papers of the detained vessel, and shall take the depositions of the master or commander, and of two or three, at least, of the principal individuals on board of such vessel; and shall also take the declaration, on oath, of the captor, if it should appear to them necessary to do so, in order to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty, and in order that, according to this judgment, the vessel may be condemned or released. In the event of the two judges not agreeing as to the sentence which they ought to pronounce, in any case brought before them, whether with respect to the legality of the detention, or the liability of the vessel to condemnation, or to the indemnification to be allowed, or as to any other question which may arise out of the said capture; or in case any difference of opinion should arise between them as to the mode of proceeding in the said Court, they shall draw by lot the name of one of the two arbitrators so appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned judges on the case; and the final sentence or decision shall be pro-

de emplear, para que las dirijan en los trámites de la causa, á los letrados que gusten.

Todas las actuaciones ó procedimientos esenciales de los mencionados Tribunales se extenderán por escrito, en la lengua del país donde residan los Tribunales respectivos.

ARTICULO IV. Lo forma del proceso, ó sea el modo de enjuiciar, será como sigue:

Los jueces nombrados, respectivamente, por cada una de ambas naciones, procederán, ante todas cosas, á examinar los papeles de la embarcacion aprehendida, y despues á tomar las declaraciones del capitán ó comandante, y de dos ó tres, al menos, de los principales individuos de la tripulacion de la mencionada embarcacion; y, si lo creyesen necesario, tomarán tambien declaracion, bajo juramento, al aprehensor, á fin de juzgar y sentenciar si dicha embarcacion ha sido justa ó injustamente aprehendida, con arreglo á las estipulaciones del Tratado arriba referido, y á fin de que la embarcacion sea condenada ó absuelta en virtud de este juicio. Si sucediese que los dos jueces no estén acordes respecto á la sentencia que deba pronunciarse en el caso sometido á su deliberacion, y sea en cuanto á la legalidad de la captura, ya á si se está en el caso de condenar al buque, ya respecto á la indemnizacion que haya de concederse, ó á cualquiera otra duda ó cuestion que emane de la mencionada captura; ó si se suscitare entre ellos alguna divergencia de opinion tocante al modo de actuar del referido Tribunal, sacarán á la suerte el nombre de uno de los dos arbitros, nombrados como arriba se expresa, y este arbitro, despues de haber examinado los procedimientos judiciales que se hayan verificado, conferenciará sobre el caso

nounced conformably to the opinion of the majority of the three.

**ARTICLE V.** If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the persona who represents him; and such master or other person may, before the same Court, claim a valuation of the damages which he may have a right to demand. The captor himself, and, in his default, his Government, shall remain responsible for the damages to which the master of such vessel, or the owners either of the vessel or of her cargo, may be pronounced to be entitled.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject.

**ARTICLE VI.** If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the Slaves who shall have been brought on board for the purposes of commerce; and the said vessel, subject to the regulations in Article 12th of the Treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses hereinafter mentioned.

The Slaves shall receive from

con los des jueces mencionados, y se pronunciará la sentencia ó fallo definitivo con arreglo al dictámen de la mayoría de los tres.

**ARTICULO V.** Si la embarcación capturada fuere absuelta por la sentencia del Tribunal, la embarcación y su cargamento se entregarán, en el estado en que entonces se encuentren, al capitán ó á la persona que le represente; y dicho capitán, ó la persona quo haga sus veces, podrá acusar, ante el mismo Tribunal, la evaluación del resarcimiento de perjuicios que tenga derecho de pedir. El aprehensor, y, en su defecto, el Gobierno de que sea subdito, quedará responsable al pago de los perjuicios á que hayan sido declarados acreedores el capitán de la mencionada embarcación, ó los propietarios de la misma ó de su cargamento.

Las dos Altas Partes Contratantes se obligan á satisfacer dentro del término de un año, contado desde el dia de la fecha de la sentencia, las costas y perjuicios que el Tribunal mencionado haya concedido; quedando mutuamente entendido y convenido, que estas costas y perjuicios serán satisfechos por el Gobierno del país á que pertenezca el aprehensor.

**ARTICULO VI.** Si la embarcación aprehendida fuese condenada, será declarada buena presa, con su cargamento, sea de la naturaleza que fuere, á excepción de los Esclavos que en ella hayan sido conducidos con el objeto de traficar con ellos; y dicha embarcación, comprendida en las estipulaciones del Artículo 12º del Tratado de esta fecha, será vendida, igualmente que su cargamento, á pública subasta en beneficio de ambos Gobiernos, después de satisfechos los gastos que abajo se expresan.

Los Esclavos recibirán del Tri-

the Court a certificate of emancipation, and shall be delivered over to the Government to whom the cruiser which made the capture belongs, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty, *sub litera C.*

ARTICLE VII. The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in Article the Eleventh of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations, the Court shall award to the claimant or claimants, or to his or to their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention: and it is agreed that the indemnification shall be as follows:

First—In case of total loss, the claimant or claimants shall be indemnified:

- A. For the ship, her tackle, equipment, and stores.
- B. For all freights due and payable.
- C. For the value of the cargo of merchandise, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

banal un certificado de emancipacion, y serán entregados al Gobierno al que pertenezca el crucero que haya hecho al apresamiento, para que sean tratados conforme al reglamento y condiciones contenidas en el Anexo de este Tratado, designado con la letra C.

ARTICULO VII. Los Tribunales Mixtos examinarán tambien, y juzgarán definitivamente y sin apelación, todas las reclamaciones por compensación de pérdidas ocasionadas á los buques y cargamentos que hayan sido detenidos con arreglo á las estipulaciones del presente Tratado, pero que no hayan sido declarados presas legales por los mencionados Tribunales; y en todos los casos en que se decrete la restitución de dichos buques y cargamentos, salvo en los mencionados en el Artículo Undecimo del Tratado al que este Reglamento corre anexo, y en una parte subsiguiente de este mismo Reglamento, los Tribunales concederán al reclamante ó reclamantes, á su apoderado ó apoderados legalmente instituidos al efecto, una justa y completa indemnización por todas las costas del proceso, y por todas las pérdidas y perjuicios que el propietario ó propietarios hayan experimentado efectivamente en consecuencia de dicha captura y detención; quedando convenido que la indemnización se verificará del modo siguiente:—

Primero—En caso de pérdida total, el reclamante ó reclamantes serán indemnizados:

- A. Por el buque, sus aparejos, su equipo, y provisiones.
- B. Por todos los fletes debidos y pagaderos.
- C. Por el valor del cargamento de mercancías, si había algunas, deduciendo todas las cargas y todos los gastos que se hubiesen pagado para la venta de dicho cargamento, inclusa la comision de venta.

D. For all other regular charges in such case of total loss.

Secondly—In all other cases (save as hereinafter mentioned) not of total loss, the claimant or claimants shall be indemnified:

A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable.

B. For demurrage when due, according to the schedule annexed to the present Article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of 5 (five) per cent. per annum on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without having recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel, in that case, shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses, consequent upon such detention.

D. Por todas las demás cargas que regalamente se impongan en el mencionado caso de pérdida total.

Segundo—En todos los demás casos (excepto los mencionados mas abajo) en que no se haya verificado la pérdida total, el reclamante ó reclamantes serán indemnizados:

A. Por todos los perjuicios y gastos especiales ocasionados al buque por la detención, y por la pérdida de los fletes debidos, pagaderos.

B. Por estadias, cuando sean debidas, con arreglo á la tarifa anexa al presente Artículo.

C. Por cualquiera averia ó deteriorio del cargamento.

D. Por cualquier premio de seguros sobre riesgos adicionales.

El reclamante ó reclamantes tendrán derecho al interés de un cinco por ciento anual sobre la suma concedida, hasta que dicha suma sea pagada por el Gobierno á que pertenezca el buque apresador. El importe total de todas las mencionadas indemnificaciones se calculará en moneda del país á que pertenezca la embarcación apresada, y se liquidará al cambio corriente al tiempo de hacerse la concesión.

Sin embargo las dos Altas Partes Contratantes han convenido en que si se prueba á satisfacción de los dos jueces de ambas naciones, y sin recurrir á la decisión del arbitrio, que el aprehensor ha sido inducido á error por culpa del capitán ó comandante de la embarcación capturada, esta embarcación capturada no tendrá derecho á cobrar, por el tiempo de su detención, las estadias estipuladas en el presente Artículo, ni compensación alguna por pérdidas, daños, ó gastos con-  
siguentes á su aprehension.

*Schedule of demurrage, or daily allowances for a vessel of*

100 tons to	120 inclusive £5	per diem
121 "	150 "	
131 "	170 "	
141 "	200 "	
201 "	220 "	
221 "	250 "	
251 "	270 "	
271 "	300 "	

and so on in proportion.

ARTICLE VIII. Neither the judges nor the arbitrators, nor the secretaries of the Mixed Courts of Justice shall demand or receive from any of the parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries have to perform.

ARTICLE IX. The two High Contracting Parties have agreed that, in the event of the death, sickness, absence on leave, or any other legal impediment, of one or more of the judges or arbitrators composing the above-mentioned Courts respectively, the post of such judge and of such arbitrator shall be supplied, *ad interim*, in the following manner:—

First.—On the part of His Britannic Majesty, and in that Court which shall sit within the possessions of His said Majesty, if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or in the case where the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled successively by the governor or lieutenant-governor resident in such possession, by the principal magistrate of the same, and by the secretary of the Government; and

*Tarifa de estadias ó sea abono diario, para una embaracion desde*

100 toneladas á 120 inclusive £5	per diem
121 id. 150	
151 id. 170	
171 id. 200	
201 id. 220	
221 id. 250	
251 id. 270	
271 id. 300	

y asi proporcionalmente.

ARTICULO VIII. Ni los jueces, ni los arbitros, ni los secretarios de los Tribunales Mixtos, pedirán ni recibirán de ninguna de las partes interesadas en los casos que se presenten ante dichos Tribunales, ningun emolumento ó dádiva, bajo ningun pretexto, por el cumplimiento de los deberes que á dichos jueces, arbitros, y secretarios incumben.

ARTICULO IX. Los dos Altas Partes Contratantes han convenido en que en caso de muerte, enfermedad, ausencia con licencia temporal, ó cualquier otro impedimento legal, de uno ó mas de los jueces ó arbitros que formen respectivamente los Tribunales arriba mencionados, la vacante de dicho juez ó de dicho arbitro se llene interinamente del modo que sigue:—

1º.—Por parte de Su Magestad Británica, y en el Tribunal que actue en las posesiones que le pertenezcan, si la vacante fuere la del juez Británico, su puesto se llenará por el arbitro Británico; y en este caso, ó en el de que la vacante fuese originariamente la del arbitro Británico, este será reemplazado sucesivamente por el gobernador ó teniente-gobernador residente en la expresada posesión, por el magistrado principal de la misma, y por el secretario del Gobierno; y el Tribunal así constituido entrará en el ejercicio de sus funciones, y,

the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

Secondly—On the part of Great Britain, and in that Court which shall sit within the possessions of Her Catholic Majesty, if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or in the case where the vacancy be originally that of the British arbitrator, his place shall be filled successively the British consul and British vice-consul, if there be a British consul or British vice-consul appointed to and resident in such possession; and in the case where the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British consul, and that of the British arbitrator by the British vice-consul, if there be a British consul and British vice-consul appointed to and resident in such possession; and if there shall be no British consul or British vice-consul to fill the place of British arbitrator, then the Spanish arbitrator shall be called in, in those cases in which a British arbitrator, were there any, would be called in; and in case the vacancy be both of the British judge and British arbitrator, and there be neither British consul nor British vice-consul to fill, *ad interim*, the vacancies, then the Spanish judge and Spanish arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

Thirdly—On the part of Spain, and in that Court which shall sit within the possessions of Her Catholic Majesty, if the vacancy

en todos los casos que se le presenten para juzgar, procederá al juicio del mismo modo, y pronunciará la sentencia.

2º.—Por parte de la Gran Bretaña, y en el Tribunal que actúe en las posesiones de Su Magestad Católica, si la vacante fuese la del juez Británico, se llenará por el arbitro Británico; y en este caso, ó en el que la vacante fuese originariamente la del arbitro Británico, este será reemplazado sucesivamente por el consul Británico y por el vice-consul Británico, si hubiese consul y vice-consul Británicos nombrados y residentes en dicha posesión; y en el caso de que la vacante fuese á un mismo tiempo del juez Británico y del arbitro Británico, la vacante del juez Británico se llenará por el consul Británico, y la del arbitro Británico por el vice-consul Británico, si hubiere consul y vice-consul Británicos nombrados y residentes en dicha posesión; y si no hubiere consul ni vice-consul Británicos para reemplazar al arbitro Británico, el arbitro Español será llamado en los casos en que sería llamado el arbitro Británico, si lo hubiese; y en caso de que la vacante fuese del juez y del arbitro Británicos á un mismo tiempo, y no hubiere consul ni vice-consul Británicos para reemplazarlos interinamente, entonces actuarán el juez y el arbitro Españoles, y, en todos los casos que se les presenten para juzgar, procederán al juicio del mismo modo, y pronunciarán la sentencia.

3º.—Por parte de España, y en el Tribunal que actúe en las posesiones de Su Magestad Católica, si la vacante fuere la del juez Español,

be that of the Spanish judge, his place shall be filled by the Spanish arbitrator; and either in that case, or in the case where the vacancy be originally that of the Spanish arbitrator, the place of such arbitrator shall be filled successively by the governor or lieutenant-governor resident in such possession, by the principal magistrate of the same, and by the secretary of the Government; and the said Court, so constituted as above, shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

Fourthly.—On the part of Spain, and in that court which shall sit within the possessions of His Britannic Majesty, if the vacancy be that of the Spanish judge, his place shall be filled by the Spanish arbitrator; and either in that case, or in the case where the vacancy be originally that of the Spanish arbitrator, his place shall be filled successively by the Spanish consul and Spanish vice-consul, if there be a Spanish consul or Spanish vice-consul appointed to and resident in such possession; and in the case where the vacancy be both of the Spanish judge and of the Spanish arbitrator, then the vacancy of the judge shall be filled by the Spanish consul and that of the Spanish arbitrator by the Spanish vice-consul, if there be a Spanish consul and a Spanish vice-consul, appointed to and resident in such possession; and in that case in which there be no Spanish consul or Spanish vice-consul to fill the place of the Spanish arbitrator, then the British arbitrator shall be called in, in those cases in which a Spanish arbitrator, were there any, would be called in; and in case the vacancy be both of the Spanish judge and Spanish arbitrator, and there be neither

su puesto se llenará por el arbitro Español; y en este caso, ó en el de que la vacante fuese originariamente la del arbitro Español, este será reemplazado sucesivamente por el gobernador ó teniente-gobernador residente en la expresa posesión, por el magistrado principal de la misma, y por el secretario del Gobierno; y el Tribunal así constituido entrará en el ejercicio de sus funciones, y, en todos los casos que se le presenten para juzgar, procederá al juicio del mismo modo, y pronunciará la sentencia.

4°.—Por parte de España, y en el Tribunal que actúe en la posesión de Su Magestad Británica, si la vacante fuere la del juez Español, se llenará por el arbitro Español; y en este caso, ó en el de que la vacante fuese originariamente la del arbitro Español, este será reemplazado sucesivamente por el consul Español y por el vice-consul Español, si hubiese consul y vice-consul Españoles nombrados y residentes en dicha posesión; y en el caso de que la vacante fuese á un mismo tiempo del juez Español y del arbitro Español, la vacante del juez Español se llenará por el consul Español, y la del arbitro Español por el vice-consul Español, si hubiere consul y vice-consul Españoles nombrados y residentes en dicha posesión; y si no hubiere consul ni vice-consul Españoles para reemplazar al arbitro Español, al arbitro Británico será llamado en todos los casos en que será llamado el arbitro Español, si lo hubiese; y en caso de que la vacante fuese del juez y del arbitro Españoles á un mismo tiempo, y no hubiese consul ni vice-consul Españoles para reemplazarlos interinamente, entonces actuarán el juez y el arbitro Británicos, y, en todos los casos que

Spanish consul nor Spanish vice-consul to fill, *ad interim*, the vacancies, then the British judge and the British arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

The governor or lieutenant-governor of the settlements wherein either of the Mixed Courts of Justice shall sit, in the event of a vacancy arising, either of the judge or the arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the governor or lieutenant-governor of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period. And each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned Courts from death or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the Fourteenth Article of the Treaty signed by them on this day, the twenty-eighth of June, 1835, that the preceding Regulations, consisting of nine Articles, shall be annexed to the said Treaty, and considered an integral part thereof.

This day, the twenty-eighth of June, in the year one thousand eight hundred and thirty-five.

GEORGE VILLIERS.

(L.S.)

*Annex C. Regulations for the good treatment of liberated Negroes.*

ARTICLE I. The object and spirit of these Regulations is to secure to Negroes liberated by

se les presenten para juzgar, procederán al juicio del mismo modo, y pronunciarán la sentencia.

El gobernador ó teniente-gobernador de los establecimientos donde resida cualquiera de los Tribunales Mixtos, cuando ocurra una vacante, sea de juez ó de árbitro de la otra de las Partes Contratantes, lo participará inmediatamente al gobernador ó teniente gobernador de las colonias más inmediatas de la otra mencionada Parte Contratante, para que dicha vacante se llene en el término más corto posible. Ambas Partes Contratantes convienen en llenar definitivamente, y tan pronto como ser pueda, las vacantes que por fallecimiento ó por cualquiera otra causa ocurrán en los Tribunales Mixtos arriba mencionados.

Los infrascritos Plenipotenciarios han convenido, con arreglo al Artículo Decimo-cuarto del Tratado firmado por ellos hoy veinte y ocho de Junio, 1835, que el Reglamento que precede y consta de nueve Artículos, correrá anexo á dicho Tratado, y será considerado parte integrante del mismo.

Hoy veinte y ocho de Junio, de mil ochocientos treinta y cinco.

FRANCISCO MARTINEZ DE LA ROSA.  
(L.S.)

*Anexo C. Reglamento para el buen trato de los Negros emancipados.*

ARTICULO I. El objeto y espíritu de este Reglamento se encaminan á asegurar á los Negros emanci-

virtue of the stipulations of the Treaty by which these Regulations form an Annex, (marked C), permanent good treatment, and a full and complete emancipation, in conformity with the humane intentions of the High Contracting Parties.

ARTICLE II. Immediately after sentence of condemnation on a vessel charged with being concerned in illegal Slave Trade, shall have been passed by the Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, all Negroes who were on board of such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government to whom belongs the cruiser which made the capture.

ARTICLE III. If the cruiser which made the capture is English, the British Government engages that the Negroes shall be treated in exact conformity with the laws in force in the British colonies for the regulation of free apprenticed Negroes.

ARTICLE IV. If the cruiser which made the capture is Spanish, in this case the Negroes shall be delivered over to the Spanish authorities of the Havana, or of any other point of the dominions of the Queen of Spain, in which the Mixed Court of Justice is established; and the Spanish Government solemnly engages, that they shall be there treated strictly according to the regulations lately promulgated, and now actually in force at the Havana, with respect to the treatment of emancipated Negroes; or according to such regulations as may in future be adopted, and which may, and shall always have, the humane object of improving and

pedos en virtud de las estipulaciones del Tratado á que es Anexo (sub litera C), un buen trato permanente, y una entera y completa emancipación, en conformidad con las intenciones benéficas de las Altas Partes Contratantes.

ARTICULO II. Inmediatamente despues que el Tribunal Mixto, establecido en virtud del Tratado á que va anexo este Reglamento, hubiere pronunciado sentencia condenando á un buque acusado de haber tomado parte en el Tráfico ilegal de Esclavos, todos los Negros que se hubieren hallado á bordo de dicho buque, y que hubiesen sido conducidos en él con el fin de traficar con ellos, serán entregados al Gobierno á que pertenezca el crucero que haya hecho la presa.

ARTICULO III. Si fuere Ingles el crucero que hayo hecho la presa, el Gobierno Británico se obliga á que los Negros sean tratados en absoluta conformidad con las leyes vigentes en las colonias de la Gran Bretaña respecto al régimen de los Negros emancipados que se hallen en aprendizaje.

ARTICULO IV. Si el crucero que hubiere hecho la presa fuese Español, en este caso se entregarán los Negros á los autoridades Españolas de la Habana, ó de cualquiera otro punto de los dominios de la Reina de España, donde se halle establecido el Tribunal Mixto; y el Gobierno Español se obliga solemnemente á hacer que sean tratados allí con estricta sugerencia á los reglamentos últimamente promulgados en la Habana, y vigentes en la actualidad, sobre el trato de los libertos, ó á los que en lo sucesivo puedan adoptarse, y los cuales tienen, y deberán tener siempre, por benéfico objeto el promover y el asegurar franca y leal-

securing honestly and faithfully to the emancipated Negroes, the enjoyment of their acquired liberty, good treatment, a knowledge of the tenets of the Christian religion, their advancement in morality and civilization, and their sufficient instruction in the mechanical arts; in order that the said emancipated Negroes may be put in a condition to earn their subsistence, whether as artisans, mechanics, or servants.

ARTICLE V. For the purpose which is explained in Article VI, there shall be kept in the office of the captain-general or governor of the part of the dominions of the Queen of Spain where the Mixed Court of Justice resides, a register of all the emancipated Negroes, in which shall be entered, with scrupulous exactness, the names given to the Negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstances likely to contribute to the end in view.

ARTICLE VI. The register to which the preceding Article refers, will serve to form a general return, which the governor or captain-general of the part of the dominions of the Queen of Spain where the Mixed Court of Justice resides, shall be bound to deliver, every six months, to the aforesaid Mixed Commission, in order to show the existence of the Negroes emancipated under this Treaty, the decease of such as have died, the improvement in their condition, and the progress made in their instruction, both religious and moral, as also in the arts of life.

ARTICLE VII. As the principal object of the Treaty, of which the present Annex forms an integral part, is no other than that of improving the condition of these unhappy victims of avarice, the High Contracting Parties, animated with

mente á los Negros emancipados la conservacion de la libertad adquirida, el buen trato, el conocimiento de los dogmas de la Religion Christiana y de la moral, la civilizacion, y la instruccion suficiente en los oficios mecanicos; para que dichos Negros emancipados se hallen en estado de mantenerse por si mismos, sea como artesanos, menestrales, ó criados de servicio.

ARTICULO V. Con el fin que se explica en el Artículo Sexto, se guardará en la secretaria del capitán-general ó gobernador del punto de los dominios de la Reina de España donde resida la Comisión Mixta, un registro de todos los Negros emancipados, en el cual se inscribirán, con escrupulosa exactitud, los nombres puestos á los Negros, los de las embarcaciones en que hayan sido apresados, los de las personas á cuyo cuidado se entreguen, y cualesquiera otras circunstancias ó observaciones que puedan contribuir al fin propuesto.

ARTICULO VI. El registro á que se refiere el Artículo anterior, servirá para formar el estado general que el gobernador ó capitán-general del punto de los dominios de la Reina de España donde resida el Tribunal Mixto, deberá entregar cada seis meses al mencionado Tribunal Mixto, con el objeto de hacer constar la existencia de los Negros que hayan sido emancipados en virtud del presente Tratado, sus fallecimientos, las mejoras de su condicion, y los progresos de su enseñanza así religiosa y moral como industrial.

ARTICULO VII. Como el objeto principal de este Tratado, del que formar parte integrante el presente Anexo, no es otro mas que el de mejorar la suerte de estas desventuradas victimas de la codicia, las Altas Partes Contratantes, que se

the same sentiments of humanity, agree, that if, in future, it should appear necessary to adopt new measures for obtaining the same benevolent end, in consequence of those laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together and agree upon other means better adapted for the complete attainment of the object proposed.

ARTICLE VIII. The undersigned Plenipotentiaries have agreed, in conformity with the Fourteenth Article of the Treaty signed by them on this day, the twenty-eighth of June, 1835, that this Annex, consisting of eight Articles, shall be united to the said Treaty, and be considered an integral part thereof.—This day, the twenty-eighth of June, in the year one thousand eight hundred and thirty-five.

GEORGE VILLIERS.  
(L.S.)

hallan animadas de unos mismos sentimientos de humanidad, convienen en que si, en lo sucesivo, apareciese necesario adoptar nuevas medidas para conseguir dicho benéfico objeto, por aparecer ineficaces las que en este Anexo van mencionadas, se podrán de acuerdo dichas Altas Partes Contratantes sobre los medios mas á propósito para el completo logro del fin que se proponen.

ARTICULO VIII. Los infrascritos Plenipotenciarios han convenido en conformidad con el Artículo Decimo-cuarto del Tratado firmado por ellos el dia de la fecha, veinte y ocho de Junio de 1835, que el presente Anexo, que consta de ocho Artículos, correrá unido y será considerado como parte integrante de dicho Tratado.—Hoy veinte y ocho de Junio, de mil ochocientos treinta y cinco.

FRANCISCO MARTINEZ DE LA ROSA.  
(L.S.)

## 9. HANSE TOWNS.

### SPECIAL ORDER.

*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS, by a Convention dated the 9th of June, 1837, the Senates of the Free Hanseatic Cities have acceded to the Conventions of the 30th of November, 1831, and 22nd March, 1833, between Great Britain and France, for the Suppression of Slave Trade, and it has been stipulated in the said Convention, that certain cruisers belonging to the said three Contracting Parties respectively, should be authorized under the Special Instructions therein mentioned, to visit and detain, within particular limits, merchant vessels of the other nations engaged in the Traffic in Slaves, or suspected of being fitted out for that Traffic: and whereas we think fit that the vessel you command

shall be one of the British cruizers furnished with the said Special Instructions,—

We herewith transmit to you a copy of the said Convention of the 9th of June, 1837, and you are accordingly authorized and empowered, by virtue of this present Order, and of the accompanying Warrants from the Hanseatic Cities, to visit merchant vessels under the Hanseatic flags, suspected of being engaged in the Traffic in Slaves, within the limits set forth in the First Article of the Convention of the 30th November, 1831, inserted in the Convention above referred to (with the conditional extension therein explained), and to deal with such as shall have engaged in the Traffic in Slaves, or shall be suspected of being fitted out for that Traffic, as pointed out in the Convention; and we charge and require you to conform most strictly to all the provisions and stipulations contained therein, taking care to exercise the authority so conferred upon you in the mildest manner, and with every attention which is due between allied and friendly nations, and to co-operate cordially with the Commanders of any Hanseatic vessels of war employed in the same service.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To  
Commanding Her Majesty's ship  
on the Station.  
By command of their Lordships,  
SIDNEY HERBERT.

*Convention between His late Majesty, the King of the French, and the Hans Towns, containing the Accession of the Hans Towns to two Conventions between Great Britain and France, for the more effectual suppression of the Slave Trade. Signed at Hamburg, June 9, 1837.*

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having concluded on the 30th of November, 1831, and the 22nd of March, 1833, two Conventions, intended to ensure the complete suppression of the Slave Trade;

The High Contracting Parties, conformably to the IXth Article of the first of these Conventions, which states that the other Maritime Powers shall be invited to accede to it, have addressed this invitation to the Senates of the

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant conclu, le 30 Novembre, 1831, et le 22 Mars, 1833, deux Conventions, destinées à assurer la répression complète de la Traite des Noirs;

Les Hautes Parties Contractantes, conformément à l'Article IX de la première de ces Conventions, qui porte que les autres Puissances Maritimes seront invitées à y accéder, ont adressé cette invitation aux Sénats des Villes Libres

Free Hanseatic Cities of Lubeck, Bremen, and Hamburgh;

And the Senates of the Free Hanseatic Cities, animated with the same sentiments, and earnest to concur with these two August Powers in the same humane object, having without hesitation assented to their proposal;

Their said Majesties, and the Senates of the Hanseatic Cities, with the view of accomplishing this generous design, and of giving due authenticity and all accustomed solemnity to the Accession to the Hanseatic Cities, and to the acceptance thereof by His Brittanic Majesty, and by His Majesty the King of the French, have resolved to conclude to this effect a formal Convention, and have in consequence named for their Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, Henry Canning, Esquire, his Chargé d'Affaires and Consul-General at the Hanseatic Cities;

His Majesty the King of the French, Baron Alexander Lasalle, Chevalier of the Legion of Honour, his Chargé d'Affaires at the Hanseatic Cities;

And the Senates of the Free Hanseatic Cities of Lubeck, Bremen, and Hamburgh, Doctor Karl Sieveking, Syndic of the City of Hamburgh;

Who, after having reciprocally exchanged their full powers, found to be in good and due form, have agreed upon the following Articles:—

ARTICLE I. The Senates of the Free Hanseatic Cities of Lubeck, Bremen, and Hamburgh, accede to the Conventions concluded and signed on the 30th of November, 1831, and on the 22nd of March, 1833, between His Majesty the King of the United Kingdom of

Anséatiques de Lubeck, Brême, et Hambourg;

Et les Sénats des Villes Libres Anséatiques, animés des mêmes sentimens, et empressés de courir avec ces deux Augustes Puissances au même but d'humanité, n'ayant pas hésité à accueillir leur proposition;

Leurs dites Majestés, et les Sénats des Villes Anséatiques, dans la vue d'accomplir ce dessein généreux, et pour donner à l'Accession des Villes Anséatiques, ainsi qu'à son acceptation par Sa Majesté Britannique, et par Sa Majesté le Roi des Français, l'authenticité convenable et toute la solennité usitée, ont résolu de conclure à cet effet une Convention formelle, et ont en conséquence nommé pour leurs Plenipotentiaires, savoir:—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Monsieur Henry Canning, son Chargé d'Affaires et Consulté Général près les Villes Anséatiques;

Sa Majesté le Roi des Français, Monsieur le Baron Alexandre Lasalle, Chevalier de la Légion d'Honneur, son Chargé d'Affaires près les Villes Anséatiques;

Et les Sénats des Villes Libres Anséatiques de Lubeck, Brême, et Hambourg, Monsieur Charles Sieveking, Docteur en droit, Syndic de la Ville de Hambourg;

Lesquels, avoir après échangé réciprocquement leurs pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:—

ARTICLE I. Les Sénats des Villes Libres Anséatiques de Lubeck, Brême, et Hambourg, accèdent aux Conventions conclues et signées le 30 Novembre, 1831, et le 22 Mars, 1833, entre Sa Majesté le Roi du Royaume Uni de Grande Bretagne et d'Ir-

Great Britain and Ireland, and His Majesty the King of the French, relating to the suppression of the Slave Trade, as well as to the Annex of the latter Convention, containing Instructions to cruizers,—excepting the reservations and modifications expressed in the IIInd, IIIIrd, and IVth Articles hereinafter given, which Articles shall be considered additional to the said Conventions, and to the Annex above mentioned, and excepting the differences which necessarily result from the situation of the Hanseatic Cities, as parties acceding to the Conventions in question after their conclusion.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having accepted the said Accession, all the Articles of these two Conventions, and all the conditions of the said Annex, shall, in consequence, be held to have been concluded and signed, in the same manner as the present Convention, directly between His Majesty the King of the United Kingdom of Great Britain and Ireland, His Majesty the King of the French, and the Senates of the Free Hanseatic Cities of Lubeck, Bremen, and Hamburg.

Their said Majesties and the Senates of the Free Hanseatic Cities engage and promise, reciprocally, to fulfil faithfully, excepting the reservations and modifications hereby stipulated, all the clauses, conditions, and obligations which result therefrom ; and in order to prevent any uncertainty, it has been agreed that the above-mentioned Conventions, and the Annex of the latter, containing Instructions to cruizers, shall be inserted here, word for word, as follows :—

lande, et Sa Majesté le Roi des Français, relativement à la répression de la Traite des Noirs, ainsi qu'à l'Annexe de la seconde Convention, contenant les Instructions pour leurs croiseurs,—sauf les réserves et modifications exprimées dans les Articles II, III, et IV, ci-après, qui seront considérés comme additionnels aux dites Conventions, et à l'Annexe susmentionnée, sauf les différences qui résultent nécessairement de la situation des Villes Anséatiques, comme parties accédantes aux Conventions en question après leur conclusion.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant accepté la dite Accession, tous les Articles de ces deux Conventions, et toutes les dispositions de la dite Annexe, seront en conséquence censés avoir été conclus et signés, de même que la présente Convention, directement entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté le Roi des Français, et les Sénats des Villes Libres et Anséatiques de Lubeck, de Brême, et de Hambourg.

Leurs dites Majestés et les Sénats des Villes Libres et Anséatiques s'engagent et promettent, réciproquement, d'exécuter fidèlement, sauf les réserves et modifications stipulées par les présentes, toutes les clauses, conditions, et obligations qui en résultent ; et pour éviter toute incertitude, il a été convenu, que les susdites Conventions, ainsi que l'Annexe de la seconde, contenant les Instructions pour les croiseurs, seront insérées ici, mot à mot, ainsi qu'il suit :—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex, containing the Instructions to cruizers, for which see France, page 302—318.]

**ARTICLE II.** It is agreed, with reference to the Vth Article of the Instructions annexed to the Supplementary Convention of March 22nd, 1833, that all vessels bearing the flag of Lubeck, and which appear by their papers to belong to Lubeck, which may be detained in execution of the Conventions herein-above transcribed, by the cruizers of His Majesty the King of the United Kingdom of Great Britain and Ireland, or of His Majesty the King of the French, employed on the stations of America, of Africa, or of Madagascar, shall be conducted or sent to the Port of Travemunde;—all vessels bearing the flag of Bremen, and which appear by their papers to belong to Bremen, which may in like manner be detained, shall be conducted or sent to the Port of Bremerhaven;—and all vessels bearing the flag of Hamburg, and which appear by their papers to belong to Hamburg, which may in like manner be detained, shall be conducted or sent to the Port of Cuxhaven. In case the navigation of the Baltic should be interrupted or impracticable, the three Senates agree to fix Bremerhaven and Cuxhaven as the ports to which Lubeck vessels, detained as above mentioned, may be conducted or sent.

**ARTICLE III.** Whereas the landing at the above-mentioned ports of Slaves who are found on board vessels bearing the Hanseatic flag and which appear by their papers to belong to the said Hanseatic Cities, or to any one of them, might be attended with great inconvenience,—it is agreed that the Slaves on board any such ves-

**ARTICLE II.** Il est convenu, en ce qui concerne l'Article V des Instructions annexées à la Convention Supplémentaire du 22 Mars, 1833, que tous les navires portant le pavillon de Lubeck, et paraissant par leurs papiers appartenir à Lubeck, qui pourront être arrêtés, en exécution des Conventions ci-dessus transcris, par les croiseurs de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ou de Sa Majesté le Roi des Français, employés dans les stations d'Amérique, d'Afrique, ou de Madagascar, seront conduits ou envoyés dans le Port de Travemunde;—que tous les navires portant le pavillon de Brême, et paraissant par leurs papiers appartenir à Brême, qui pourront être arrêtés de même, seront conduits ou envoyés dans le Port de Bremerhaven;—et que tous les navires portant le pavillon de Hambourg, et paraissant par leurs papiers appartenir à Hambourg, qui pourront être arrêtés de même, seront conduits ou envoyés dans le Port de Cuxhaven. Dans le cas où la navigation de la Baltique serait interrompue ou impracticable, les trois Sénats s'accordent à indiquer Bremerhaven et Cuxhaven comme les ports où pourront être conduits ou envoyés les navires Lubecquois, arrêtés comme ci-dessus mentionné.

**ARTICLE III.** Attendu que le débarquement dans les ports susmentionnés des Nègres qui se trouveraient à bord de bâtimens portant le pavillon Anséatique, et paraissant par leurs papiers appartenir aux dites Villes Anséatiques, ou à l'une d'elles, pourrait entraîner de graves inconveniens, il est convenu que les Nègres trouvés à

sel, detained by a British or French cruizer, shall be previously landed at the place or port, the nearest (be it British or French) to which a Slave-vessel, under the flag of one of those two nations, found and detained under similar circumstances, would, according to the above-mentioned Conventions, be conducted or sent. The British ports of Bathurst on the Gambia, Port Royal in Jamaica, the Cape of Good Hope, and Demerara, as well as the French ports of la Gorée, Martinique, Bourbon, and Cayenne, shall be considered as respectively fixed on for this purpose, for the British and French cruisers in Africa, the West Indies, Madagascar, and the Brazils.

**ARTICLE IV.** If the Senates of the Free Hanseatic Cities should not deem it expedient to fit out cruisers of their own for the repression of the Trade, they, nevertheless, engage to furnish the special authority or warrants required by the Vth Article of the Convention of the 30th of November, 1831, to the commanders of British and French cruisers, as soon as the names and the number thereof are notified to them.

**ARTICLE V.** The present Convention shall be ratified, and the ratifications shall be exchanged at Hamburg in the space of three months, or sooner if possible.

In witness whereof the above-named Plenipotentiaries have signed the present Convention, in five originals, and have affixed thereto the seal of their arms.

Done at Hamburgh, the 9th of June, one thousand eight hundred and thirty-seven.

HENRY CANNING.  
(L.S.)

BARON LASALLE.  
(L.S.)

K. SIEVEKING.  
(L.S.)

bord d'un pareil navire, arrêté par un croiseur Britannique ou Français, seront préalablement débarqués au port ou dans l'endroit le plus rapproché, soit Britannique ou Français, auquel un bâtiment Négrier, sous le pavillon d'une de ces deux nations, trouvé et arrêté dans des circonstances semblables, serait, d'après les susdites Conventions, envoyé ou conduit. Seront considérés comme respectivement indiqués à cet effet pour les croisières Britanniques et Françaises d'Afrique, des Indes Occidentales, de Madagascar, et du Brésil, les ports Britanniques de Batherst dans le Gambia, Port Royal à la Jamaïque, le Cap de Bonne Espérance, et Demerara, ainsi que les ports Français de la Gorée, de la Martinique, de Bourbon, et de Cayenne.

**ARTICLE IV.** Dans le cas où les Sénats des Villes Libres Anséatiques ne trouveraient pas dans leurs convenances d'armer sous leurs pavillons des croiseurs pour la suppression de la Traite, ils s'engagent, néanmoins, à fournir aux commandans des croiseurs Britanniques et Français les autorisations requises par l'Article V de la Convention du 30 Novembre, 1831, aussitôt que les noms et le nombre de ces croiseurs leur aura été notifiés.

**ARTICLE V.** La présente Convention sera ratifiée, et les ratifications en seront échangées à Hambourg dans le délai de trois mois, ou plus tôt s'il est possible.

En foi de quoi les Plénipotentiaires sus-dénommés ont signé la présente Convention en cinq originaux, et y ont apposé le cachet de leurs armes.

Fait à Hambourg, le 9 Juin, mil huit cent trente-sept.

## 10. TUSCANY.

### SPECIAL ORDER.

*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS, by a Convention dated the 24th November, 1837, His Imperial and Royal Highness the Grand Duke of Tuscany has acceded to the Conventions of the 30th November, 1831, and the 22nd March, 1833, between Great Britain and France, for the Suppression of the Slave Trade; and it has been stipulated in the said Convention, that certain cruisers belonging to the said three countries respectively, should be authorized under the Special Instructions therein mentioned, to visit and detain, within particularly limits, merchant-vessels of the other nations engaged in the Traffic in Slaves, or suspected of being fitted out for that Traffic: and whereas we think fit that the vessel you command shall be one of the British cruisers furnished with the said Special Instructions,—

We herewith transmit to you a copy of the said Convention of the 24th November, 1837, and you are accordingly authorized and empowered, *by virtue of this present Order, and of the accompanying Warrant from the Tuscan Government*, to visit merchant-vessels under the Tuscan flag, suspected of being engaged in the Traffic in Slaves, within the limits set forth in the 1st Article of the Convention of the 30th November, 1831, inserted in the Convention above referred to (with the conditional extension therein explained), and to deal with such as shall have engaged in a Traffic in Slaves, or shall be suspected of being fitted out for that Traffic, as pointed out in the Convention; and we charge and require you to conform most strictly to all the provisions and stipulations contained therein, taking care to exercise the authority so conferred upon you, in the mildest manner, and with every attention which is due between allied and friendly nations, and to co-operate cordially with the Commanders of any Tuscan vessel of war employed in the same service.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To  
Commanding Her Majesty's ship  
on the Station.

By command of their Lordships,  
SIDNEY HERBERT.

*Convention between Her Majesty, the King of the French, and the Grand Duke of Tuscany, containing the Accession of the Grand Duke of Tuscany to two Conventions between Great Britain and France, for the more effectual suppression of the Slave Trade. Signed at Florence, November 24, 1837.*

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having concluded on the 30th of November, 1831, and the 22nd of March, 1833, two Conventions, intended to ensure the complete suppression of the Slave Trade;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, conformably to the IXth Article of the first of these Conventions, which states that the other Maritime Powers shall be invited to accede to it, have addressed this invitation to His Imperial and Royal Highness the Grand Duke of Tuscany;

And His Imperial and Royal Highness, animated with the same sentiments, and earnest to concur with his two August Allies in the same humane object, having without hesitation assented to their proposal;

The three High Contracting Parties, with the view of accomplishing this generous design, and of giving due authenticity and all accustomed solemnity to the Accession of His Imperial and Royal Highness the Grand Duke of Tuscany, and to the acceptance thereof by Her Britannic Majesty, and by His Majesty the King of the French, have resolved to conclude to this effect a formal Convention, and have, in consequence, named for their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Ralph Abercrombie,

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant conclu le 30 Novembre, 1831, et le 22 Mars, 1833, deux Conventions destinées à assurer la répression complète de la Traite des Noirs;

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, conformément à l'Article IX de la première de ces Conventions, qui porte que les autres Etats Maritimes seront invités à y accéder, ont adressé cette invitation à Son Altesse Impériale et Royale le Grand Duc de Toscane;

Et Son Altesse Impériale et Royale, animée des mêmes sentiments, et empressée de concourir avec ses deux Augustes Alliés au même but d'humanité, n'ayant pas hésité à accueillir leur proposition;

Les trois Hautes Parties Contractantes, dans la vue d'accomplir ce dessein généreux, et pour donner à l'Accession de Son Altesse Impériale et Royale le Grand Duc de Toscane, ainsi qu'à son acceptation par Sa Majesté Britannique, et par Sa Majesté le Roi des Français, l'authenticité convenable, et toute la solennité usitée, ont résolu de conclure à cet effet une Convention formelle, et ont en conséquence nommé pour leurs Plénipotentiaires, savoir:—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Monsieur Ralph Aber-

Esquire, her Minister resident at the Court of His Imperial and Royal Highness the Grand Duke of Tuscany;

His Majesty the King of the French, Monsieur Louis Pierre Vincent Gabriel Bellocq, Master of the Requests in the Council of State, in Extraordinary, Officer of the Royal Order of the Legion of Honour, Knight of the Order of the Lion of Holland, Minister resident of His said Majesty at the Court of His Imperial and Royal Highness the Grand Duke of Tuscany;

And His Imperial and Royal Highness the Grand Duke of Tuscany, the Count Victor Fossombroni, Knight of the Order of St. Stephen, and Grand Cross of that of St. Joseph of Tuscany, Grand Cross of the Order of Saints Maurice and Lazarus of Sardinia, of those of Leopold of Austria, of the Royal Crown of Saxony, of St. George of Parma, and of St. Ferdinand and of Merit of the Two Sicilies, Officer of the Royal Order of the Legion of Honour of France, Chamberlain, Privy Councillor of State, Finance, and War, Secretary of State, Minister of Foreign Affairs, and Principal Director of the Royal Secretary Offices;

Who, after having reciprocally communicated to each other their full powers, found to be in good and due form, have agreed upon the following Articles:—

ARTICLE I. His Imperial and Royal Highness the Grand Duke of Tuscany accedes to the Conventions concluded and signed on the 30th of November, 1831, and on the 22nd of March, 1833, between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, relating to the suppression of the Slave Trade, as well as to the Annex of the latter Convention, containing Instruc-

crombie, son Ministre résident près la Cour de Son Altesse Impériale et Royale le Grand Duc de Toscane;

Sa Majesté le Roi des Français, Monsieur Louis Pierre Vincent Gabriel Bellocq, Maître des Requêtes au Conseil d'Etat en service Extraordinaire, Officier de l'Ordre Royal de la Légion d'Honneur, Chevalier de l'Ordre du Lion Néerlandais, Ministre Résident de Sa dite Majesté près la Cour de Son Altesse Impériale et Royale le Grand Duc de Toscane;

Et Son Altesse Impériale et Royale le Grand Duc de Toscane, le Comte Victor Fossombroni, Chevalier de l'Ordre de Saint Etienne, et Grand-Croix de celui de Saint Joseph de Toscane, Grand Croix de l'Ordre des Saints Maurice et Lazare de Sardaigne, de ceux de Léopold d'Autriche, de la Couronne Royale de Saxe, de Saint Georges de Parme, et de Saint Ferdinand et du Mérite des Deux Siciles, Officier de l'Ordre Royal de la Légion d'Honneur de France, Chambellan, Conseiller Intime Actuel d'Etat, Finances, et Guerre, Secrétaire d'Etat, Ministre des Affaires Etrangères, et Premier Directeur des Secrétairies Royales;

Lesquels, après s'être communiqués réciproquement leurs plein-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:—

ARTICLE I. Son Altesse Impériale et Royale le Grand Duc de Toscane accède aux Conventions conclues et signées le 30 Novembre, 1831, et le 22 Mars, 1833, entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, relativement à la répression de la Traite des Noirs, ainsi qu'à l'Annexe de la seconde Convention, contenant les Instructions pour les Croiseurs,—

tions to Cruisers,—excepting the reservations and modifications expressed in the II<sup>nd</sup>, III<sup>rd</sup>, and IV<sup>th</sup> Articles hereinafter given, which Articles shall be considered additional to the said Conventions, and to the Annex above mentioned; and excepting the differences which necessarily result from the situation of His Imperial and Royal Highness the Grand Duke of Tuscany, as party acceding to the Conventions in question after their conclusion.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having accepted the said Accession, all the Articles of these two Conventions, and all the conditions of the said Annex, shall, in consequence, be held to been concluded and signed in the same manner as the present Convention, directly between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the King of the French, and His Imperial and Royal Highness the Grand Duke of Tuscany.

The three High Contracting Parties engage and promise reciprocally to each other, to execute faithfully all the clauses, conditions, and obligations of the present Convention, subject always to the reservations and modifications therein contained; and in order to prevent any uncertainty, it has been agreed that the above-mentioned Conventions, and the Annex of the latter, containing Instructions to cruizers, shall be inserted here, word for word, as follows:—

[Here follow the Conventions of November 30, 1831, and March 22. 1833, and the Annex containing the Instructions to Cruizers, for which see France, p. 302—318.]

ARTICLE II. It is agreed with reference to the V<sup>th</sup> Article of the Instructions annexed to the Sup-

ssuf les réserves et modifications exprimées dans les Articles II, III, et IV, ci-après, qui seront considérés comme additionnels aux dites Conventions, et à l'Annexe susmentionnée; et sauf les différences qui résultent nécessairement de la situation de Son Altesse Impériale et Royale le Grand Duc de Toscane, comme partie accédante aux Conventions en question après leur conclusion.

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant accepté la dite Accession, tous les Articles de ces deux Conventions et toutes les dispositions de la dite Annexe, seront, en conséquence, censés avoir été conclus et signés, de même que la présente Convention, directement entre Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté le Roi des Français, et Son Altesse Impériale et Royale le Grand Duc de Toscane.

Les trois Hautes Parties Contractantes s'engagent et promettent réciproquement d'exécuter fidèlement, sauf les réserves et modifications stipulées par les présentes, toutes les clauses, conditions, et obligations qui en résultent; et pour éviter toute incertitude, il a été convenu que les susdites Conventions, ainsi que l'Annexe de la seconde, contenant les Instructions pour les Croiseurs, seront insérés ici, mot à mot, ainsi qu'il suit:—

ARTICLE II. Il est convenu en ce qui concerne l'Article V des Instructions annexées à la Conven-

plementary Convention of the 22nd of March, 1833, that all vessels bearing the Tuscan flag, and appearing by their papers to belong to Tuscany, which shall be detained in execution of the Conventions above transcribed, by the cruizers of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, or of His Majesty the King of the French, employed on the stations of America, Africa, or Madagascar, shall be conducted or sent to the port of Leghorn.

**ARTICLE III.** Whereas the landing at the port of Leghorn of the Slaves who may be found on board vessels bearing the Tuscan flag, and appearing by their papers to belong to Tuscany, might be attended with great inconvenience, it is agreed that the Slaves found on board such vessel, detained by a British or French cruizer, shall be previously landed at the nearest port or place, whether British or French, to which a slave vessel under the flag of one of those two nations, found and detained under similar circumstances, would, according to the above-mentioned Conventions, be conducted or sent. The British ports of Bathurst on the Gambia, Port Royal in Jamaica, the Cape of Good Hope, and Demerara, as well as the French ports of Goree, Martinique, Bourbon, and Cayenne, shall be considered as respectively fixed on for this purpose, for the British and French cruising stations on the coasts of Africa, the West Indies, Madagascar, and the Brazils.

**ARTICLE IV.** If His Imperial and Royal Highness the Grand Duke of Tuscany, should not deem it expedient to fit out cruizers of his own for the suppression of the Trade, he nevertheless engages to

tion Supplémentaire du 22 Mars, 1833, que tous les navires portant le pavillon Toscan, et paraissant par leurs papiers appartenir à la Toscane, qui pourront être arrêtés en exécution des Conventions ci-dessus transcrives, par les croiseurs de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, ou de Sa Majesté le Roi des Français employés dans les stations d'Amérique, d'Afrique, ou de Madagascar, seront conduits ou envoyées dans le port de Livourne.

**ARTICLE III.** Attendu que le débarquement dans le port de Livourne des Nègres qui se trouveraient à bord de bâtimens portant le pavillon Toscan, et paraissant par leurs papiers appartenir à la Toscane, pourraient entraîner de graves inconveniens, il est convenu que les Nègres trouvés à bord de pareils navires, arrêtés par un croiseur Britannique ou Français, seront préalablement débarqués au port ou dans l'endroit le plus rapproché, soit Britannique ou Français, auquel un bâtiment Négrier sous le pavillon d'une de ces deux nations, trouvé et arrêté dans des circonstances semblables, serait, d'après les susdites Conventions, envoyé ou conduit. Seront considérés comme respectivement indiqués à cet effet pour les croisières Britanniques et Françaises d'Afrique, des Indes Occidentales, de Madagascar, et du Brésil, les ports Britanniques de Bathurst dans le Gambia, Port Royal à la Jamaïque, le Cap de Bonne Espérance, et Demerary, ainsi que les ports Français de la Gorée, de la Martinique, de Bourbon, et de Cayenne.

**ARTICLE IV.** Dans le cas où Son Altesse Impériale et Royale le Grand Duc de Toscane, ne trouverait pas dans ses convenances d'armer sous son pavillon des croiseurs pour la répression de la Traite,

furnish the special authority or warrant required by the Vth Article of the Convention of the 30th of November, 1831, to the commanders of the British and French cruisers, as soon as the names and the numbers thereof shall have been notified to him.

**ARTICLE V.** The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Florence, within the space of three months, or sooner if possible.

In witness whereof the above-named Plenipotentiaries have signed the present Convention in three originals, and have affixed thereto the seal of their arms.

Done at Florence, the twenty-fourth day of November, one thousand eight hundred and thirty-seven.

R. ABERCROMBIE.

(L.S.)

L. BELLOCQ.

(L.S.)

V. FOSSOMBRONI.

(L.S.)

il s'engage néanmoins à fournir aux commandans des croiseurs Britanniques et Français l'autorisation requise par l'Article V de la Convention du 30 Novembre, 1831, aussitôt que les noms et le nombre de ces croiseurs lui auront été notifiés.

**ARTICLE V.** La présente Convention sera ratifiée, et les ratifications en seront échangées à Florence, dans le délai de trois mois, ou plus tôt s'il est possible.

En foi de quoi les Plénipotentiaires sus-dénommés ont signé la présente Convention en trois originaux, et y ont apposé le cachet de leurs armes.

Fait à Florence, le vingt-quatre Novembre, mil huit cent trente-sept.

## 11. TWO SICILIES.

### SPECIAL ORDER.

*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS, by a Convention dated the 14th February, 1838, His Majesty the King of the Two Sicilies has acceded to the Conventions of the 30th November, 1831, and 22nd March, 1833, between Great Britain and France, for the Suppression of the Slave Trade, and it has been stipulated in the said Convention, that certain cruisers belonging to the said three countries respectively, should be authorized under Special Instructions therein mentioned, to visit and detain, within particular limits, merchant vessels of the other nations, engaged in the Traffic in Slaves, or suspected of being fitted out for that Traffic: and whereas we think fit that the vessel you command shall be one of the British cruisers furnished with the said Special Instructions,—

We herewith transmit to you a copy of the said Convention of the 14th February 1838, and you are accordingly authorized and em-

powered, by virtue of this present Order, and of the accompanying Warrant from the Government of His Majesty the King of the Two Sicilies, to visit merchant vessels under the Sicilian flag, suspected of being engaged in the Traffic in Slaves, within the limits set forth in the 1st Article of the Convention of the 30th November, 1831, inserted in the Convention above referred to (with the conditional extension therein explained), and to deal with such as shall have engaged in a Traffic in Slaves, or shall be suspected of being fitted out for that Traffic, as pointed out in the Convention; and we charge and require you to conform most strictly to all the provisions and stipulations contained therein, taking care to exercise the authority so conferred upon you, in the mildest manner, and with every attention which is due between allied and friendly nations, and to co-operate cordially with the Commanders of any Sicilian vessels of war employed in the same service.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

To  
Commanding Her Majesty's ship  
on the Station.

By command of their Lordships,  
SIDNEY HERBERT.

*Convention between Her Majesty, the King of the French, and the King of the Two Sicilies, containing the Accession of His Sicilian Majesty to two Conventions between Great Britain and France, for the more effectual suppression of the Slave Trade.*  
*Signed at Naples, February 14, 1838.*

*In the name of the Most Holy and Indivisible Trinity.*      *Au nom de la Très Sainte et Indivisible Trinité.*

His late Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having concluded on the 30th of November, 1831, and the 22nd of March, 1833, two Conventions intended to insure the complete suppression of the Slave Trade; the High Contracting Parties, conformably to the IXth Article of the first of these Conventions, which states that the other Maritime Powers shall be invited to accede to it, have addressed this invitation to His Majesty the King of the Kingdom of the Two Sicilies;

And His said Majesty, animated

FEU Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant conclu le 30 Novembre, 1831, et le 22 Mars, 1833, deux Conventions destinées à assurer la répression complète de la Traite des Noirs; les Hautes Parties Contractantes, conformément à l'Article IX de la première de ces Conventions, qui porte que les autres Puissances Maritimes seront invitées à y accéder, ont adressé cette invitation à Sa Majesté le Roi du Royaume des Deux Siciles;

Et Sa dite Majesté, animée des

with the same sentiments, and desirous of concurring with his two august Allies in the same humane object, having without hesitation assented to their proposal the three High Powers, with the view of accomplishing this generous design, and of giving due authenticity and all accustomed solemnity to the Accession of His Majesty the King of the Kingdom of the Two Sicilies, and to the acceptance thereof by Her Britannic Majesty, and by His Majesty the King of the French, have resolved to conclude to this effect a formal Convention, and have in consequence named for their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable William Temple, Her Envoy Extraordinary and Minister Plenipotentiary at the Court of Naples;

His Majesty the King of the Kingdom of the Two Sicilies, Antoine Statella, Prince of Casaro, Gentleman of the Chamber in service, Knight Grand Cross of the Orders of St. Ferdinand and of Merit, of St. Januarius, and of Francis the First, Grandee of Spain of the first class, Knight of the Golden Fleece, Knight Grand Cross of several foreign orders, and his Minister Secretary of State for Foreign Affairs;

And His Majesty the King of the French, M. Auguste Bonaventure, Marquis de Tallenay, Officer of the Royal Order of the Legion of Honour, and of the Order of Leopold of Belgium, his Chargé d'Affaires at the Court of Naples;

Who, after having reciprocally communicated to each other their full powers, found to be in good and due form, have agreed upon the following Articles:—

mêmes sentiments, et empressés de concourir avec ses deux augustes Alliés au même but d'humanité, n'ayant pas hésité à accueillir leur proposition, les trois Hautes Puissances, dans la vue d'accomplir ce dessein généreux, et pour donner à l'Accession de Sa Majesté le Roi du Royaume des Deux Siciles, ainsi qu'à son acceptation par Sa Majesté Britannique, et par Sa Majesté le Roi des Français, l'authenticité convenable et toute la solennité usitée, ont résolu de conclure à cet effet une Convention formelle, et ont en conséquence nommé pour leurs Plénipotentiaires, savoir:—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, l'Honorable William Temple, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour de Naples;

Sa Majesté le Roi du Royaume des Deux Siciles, le Sieur Antoine Statella, Prince de Cassaro, Gentilhomme de la Chambre avec exercice, Chevalier Grand-Croix des Ordres de St. Ferdinand et de Mérite, de St. Janvier, et de François Premier, Grand d'Espagne de la première classe, Chevalier de la Toison d'Or, Chevalier Grand-Croix de plusieurs ordres étrangers, et son Ministre Secrétaire d'Etat des Affaires Etrangères;

Et Sa Majesté le Roi des Français, le Sieur Auguste Bonaventure, Marquis de Tallenay, Officier de l'Ordre Royal de la Légion d'Honneur, et de l'Ordre de Léopold de Belgique, son Chargé d'Affaires près la Cour de Naples;

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:—

ARTICLE I. His Majesty the King of the Kingdom of the Two Sicilies accedes to the Conventions concluded and signed on the 30th November, 1831, and on the 22nd of March, 1833, between His late Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, relating to the suppression of the Slave Trade, as well as to the Annex of the latter Convention, containing the Instructions for the Cruisers; excepting the reservations and modifications expressed in the II<sup>nd</sup>, III<sup>rd</sup>, and IV<sup>th</sup> Articles hereinafter given, which Articles shall be considered additional to the said Conventions, and to the Annex above mentioned; and excepting the differences which necessarily result from the situation of His Majesty the King of the Kingdom of the Two Sicilies, as a party acceding to the Conventions in question after their conclusion. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having accepted the said Accession, all the Articles of these two Conventions, and all the conditions of the said Annex, shall, in consequence, be held to have been concluded and signed, in the same manner as the present Convention, directly between Her Majesty the Queen of the United Kingdom of Great Britin and Ireland, His Majesty the King of the French, and His Majesty the King of the Kingdom of the Two Sicilies.

Their said Majesties engage and promise reciprocally to each other to execute faithfully all the clauses, conditions, and obligations of the present Convention, subject always to the reservations and modifications therein contained; and in

ARTICLE I. Sa Majesté le Roi du Royaume des Deux Siciles accède aux Conventions conclues et signées le 30 Novembre, 1831, et le 22 Mars, 1833, entre feu Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, relativement à la répression de la Traite des Noirs, ainsi qu'à l'Annexe de la seconde Convention, contenant les Instructions pour les Croiseurs; sauf les réserves et modifications exprimées dans les Articles II, III, et IV, ci-après, qui seront considérés comme additionnels aux dites Conventions et à l'Annexe sus-mentionnée; et sauf les différences qui résultent nécessairement de la situation de Sa Majesté le Roi du Royaume des Deux Siciles, comme partie accédante aux Conventions en questions après leur conclusion. Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant accepté la dite Accession, tous les Articles de ces deux Conventions, et toutes les dispositions de la dite Annexe, seront en conséquence, censés avoir été conclus et signés, de même que la présente Convention, directement entre Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté le Roi des Français, et Sa Majesté le Roi du Royaume des Deux Siciles.

Leurs dites Majestés s'engagent et promettent réciproquement d'exécuter fidèlement, sauf les réserves et modifications stipulées par les présentes, toutes les clauses, conditions, et obligations qui en résultent; et pour éviter toute incer-

order to prevent any uncertainty, it has been agreed that the above-mentioned Conventions, as well as the Annex to the latter Convention, containing Instructions to cruizers, shall be inserted here word for word as follows:

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex containing the Instructions to Cruizers, for which see France, page 302—318.]

**ARTICLE II.** It is agreed, with reference to Article III of the Convention of the 30th November, 1831, herein above transcribed, that His Majesty the King of the Kingdom of the Two Sicilies shall fix, according to his convenience, the number of cruizers of the Two Sicilies which shall be employed on the service mentioned in the said Article, and the stations on which they shall cruise.

**ARTICLE III.** The Government of His Majesty the King of the Kingdom of the Two Sicilies shall make known to the Governments of Great Britain and of France, conformably to Article IV of the Convention of the 30th November, 1831, the ships of war of the Two Sicilies which are to be employed in the suppression of the Trade, in order that the necessary warrants for their commanders may be delivered.

The warrants which are to be delivered by the Government of the Two Sicilies, shall be issued after notification of the number of British and French cruizers intended to be employed, shall have been made to it.

But if the Government of His Majesty the King of the Kingdom of the Two Sicilies, shall not find it convenient to commission cruizers under the flag of the Two Sicilies for the suppression of the Slave Trade, it engages nevertheless to furnish warrants to the commanders of the British and

titude, il a été convenu que les susdites Conventions, ainsi que l'Annexe de la seconde Convention, contenant les Instructions pour les croiseurs, seront insérées ici, mot-à-mot, ainsi qu'il suit:—

**ARTICLE II.** Il est convenu, relativement à l'Article III de la Convention du 30 Novembre, 1831, ci-dessus transcrise, que Sa Majesté le Roi du Royaume des Deux Siciles fixera, suivant sa convenance, le nombre des croiseurs des Deux Siciles qui devront être employés au service mentionné dans le dit Article, et les stations où ils devront établir leurs croisières.

**ARTICLE III.** Le Gouvernement de Sa Majesté le Roi du Royaume des Deux Siciles fera connaître aux Gouvernemens de la Grande Bretagne et de France, conformément à l'Article IV de la Convention du 30 Novembre, 1831, les bâtimens de guerre des Deux Siciles qui devront être employés à la répression de la Traite, afin que les mandats nécessaires à leurs commandans soient délivrés.

Les mandats qui devront être délivrés par le Gouvernement des Deux Siciles, seront remis après que la notification du nombre des croiseurs Britanniques et Français destinés à être employés, lui aura été faite.

Mais si le Gouvernement de Sa Majesté le Roi du Royaume des Deux Siciles, ne trouvait pas convenable d'envoyer des bâtimens croiseurs sous le pavillon des Deux Siciles pour la répression de la Traite des Noirs, il s'engage néanmoins à fournir aux commandans des croiseurs Anglais et Français

French cruisers to be employed on this service, as soon as the names and destination of such cruisers are officially notified to it, as above stipulated.

**ARTICLE IV.** It is agreed, with reference to the 5th paragraph of the Instructions annexed to the Supplementary Convention of March the 22nd, 1833, that all vessels of the Two Sicilies, or vessels bearing the Sicilian flag, and appearing by their papers to belong to the Two Sicilies, which shall be detained in execution of the Conventions above transcribed, by the cruisers of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, or of His Majesty the King of the French, employed on the stations of America, Africa, and Madagascar, shall be conducted or sent to the Port of Naples.

**ARTICLE V.** Whereas the landing at the port of Naples of the Slaves who may be found on board vessels bearing the flag of the Two Sicilies, and appearing by their papers to belong to the Two Sicilies, might be attended with great inconvenience, it is agreed, that the Slaves found on board such vessels, detained by a British or French cruiser, shall be previously landed at the nearest port or place, whether British or French, to which a Slave vessel under the flag of one of those two nations, found and detained under similar circumstances, would, according to the above-mentioned Conventions, be conducted or sent. The British Ports of Bathurst on the Gambia, Port Royal in Jamaica, the Cape of Good Hope, and Demerara, as well as the French ports of Goree, Martinique, Bourbon, and Cayenne, shall be considered as respectively fixed on

qui doivent être employés à ce service, les mandats nécessaires, aussitôt que les noms et la destination de ces croiseurs lui seront officiellement notifiés, ainsi qu'on l'a stipulé plus haut.

**ARTICLE IV.** Il est convenu, en ce qui concerne le cinquième paragraphe des Instructions annexées à la Convention Supplémentaire du 22 Mars, 1833, que tous les navires des Deux Siciles, ou portant le pavillon des Deux Siciles, et paraissant par leurs papiers appartenir aux Deux Siciles, qui pourront être arrêtés en exécution des Conventions ci-dessus transcrtes, par les croiseurs de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, ou de Sa Majesté le Roi des Français, employés dans les stations d'Amérique, d'Afrique, ou de Madagascar, seront conduits ou envoyés dans le port de Naples.

**ARTICLE V.** Attendu que le débarquement dans le port de Naples des Nègres qui se trouveraient à bord de bâtimens portant le pavillon des Deux Siciles, et paraissant par leurs papiers appartenir aux Deux Siciles, pourrait entraîner de graves inconveniens, il est convenu, que les Nègres trouvés à bord d'un pareil navire, arrêté par un croiseur Britannique ou Français, seront préalablement débarqués au port ou dans l'endroit le plus rapproché, soit Britannique ou Français, auquel un bâtiment Négrier, sous le pavillon d'une de ces deux nations, trouvé et arrêté dans des circonstances semblables, serait, d'après les susdites Conventions, envoyé ou conduit. Seront considérés comme respectivement indiqués à cet effet, pour les croisières Britanniques et Françaises d'Afrique, des Indes Occidentales, de Madagascar, et du Brésil, les ports Britanniques de Bathurst

for this purpose, for the British and French stations on the coast of Africa, the West Indies, Madagascar, and the Brazils.

**ARTICLE VI.** The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Naples, at the expiration of three months, or sooner if possible.

In witness whereof the above-named Plenipotentiaries have signed the present Convention, in three originals, and have affixed thereto the seal of their arms.

Done at Naples, the fourteenth of February, one thousand eight hundred and thirty-eight.

W. TEMPLE.

(L.S.)

LE PRINCE DE CASSARO.

(L.S.)

AUGE. DE TALLENAY.

(L.S.)

dans le Gambie, Port Royal à la Jamaïque, le Cap de Bonne Espérance, et Demerara, ainsi que les ports Français de la Gorée, de la Martinique, de Bourbon, et de Cayenne.

**ARTICLE VI.** La présente Convention sera ratifiée, et les ratifications en seront échangées à Naples, dans le délai de trois mois, ou plus tôt s'il est possible.

En foi de quoi les Plénipotentiaires sus-dénommés ont signé la présente Convention en trois originaux, et y ont apposé le cachet de leurs armes.

Fait à Naples, le quatorze Février, mil huit cent trente-huit.

## 12. CHILE.

### SPECIAL ORDER.

*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS a Treaty between Great Britain and Chile, for the Abolition of the Traffic in Slaves, was signed at Santiago on the 19th of January, 1839 ; and Instructions for Cruizers, marked A, and Regulations for Mixed Courts of Justice, marked B, were annexed thereto, and declared to form an integral part thereof ; and the Ratifications of the same were exchanged on the 6th of August 1842 : and whereas the High Contracting Parties mutually agreed thereby, that ships of war of both countries, respectfully furnished with the Instructions contained in Annex A to the Treaty, might search and send in for trial, vessels suspected of the illegal Traffic in Slaves : and whereas we think fit that Her Majesty's ship under your command should be one of those authorized to act under the Treaty,—

We furnish you with a copy of the said Treaty and of its Annexes marked A and B ; and you are hereby expressly authorized, em-

powered, and ordered, to act in the suppression of the Traffic in Slaves, according to the said Treaty,

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To  
*Commander of Her Majesty's ship*  
By command of their Lordships,  
SIDNEY HERBERT.

*Treaty between Her Majesty and the Republic of Chile, for the abolition of the Traffic in Slaves. Signed at Santiago, January, 19, 1839.*

*Ratifications exchanged at Santiago, August 6, 1842.*

In the Name of the Most Holy Trinity. En el Nombre de la Santissima Trinidad.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Republic of Chile, being mutually animated by a sincere desire to co-operate for the utter extinction of the barbarous Traffic in Slaves, have resolved to proceed to the conclusion of a Treaty for the special purpose of immediately attaining this object, and have respectively named, for this purpose, as their Plenipotentiaries, to wit:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable John Walpole, Her Britannic Majesty's Consul-General in the Republic of Chile;

And the Republic of Chile, Don Joaquin Tocornal, Minister of State for Foreign Affairs and Finance;

Who, having duly communicated to each other their respective full powers, and found them to be in

El Presidente de la República de Chile, y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, hallándose mutuamente animados de un sincere deseo de cooperar á la completa extincion del bárbaro Tráfico de Esclavos, han resuelto proceder al ajuste de un Tratado con la mira especial de obtener inmediatamente este objeto, y al efecto han nombrado respectivamente por sus Plenipotenciarios, á saber:—

La República de Chile, á Don Joaquin Tocornal, Ministro de Estado y del Despacho de Relaciones Exteriores y de Hacienda;

Y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, al Honorable Señor Juan Walpole, Consul-Jeneral de Su Majestad Britanica en la República de Chile;

Quienes, habiéndose comunicado mutuamente sus respectivos plenos poderes, o hallándolos en

proper form, have agreed upon and concluded the following Articles:—

**ARTICLE I.** The Slave Trade having been constitutionally abolished throughout the territories of the Chilian Republic, is hereby declared to be, henceforward, totally prohibited to all the citizens of the said Republic in all parts of the world.

**ARTICLE II.** The President of the Republic of Chile especially engages within the space of two months after the exchange of the ratifications, should the ordinary Congress then be in session, or within two months after the first subsequent ordinary meeting of the said Congress, to promulgate a law imposing the punishment attached to piracy on all Chilian citizens who shall, under any colour or pretext, take any part whatever in the Traffic in Slaves; and he, in like manner, engages to adopt from time to time, as may become needful, the most effectual measures for preventing the citizens of the said Republic of Chile from being concerned, and the flag of that Republic from being used, in carrying on, in anyway, the Traffic in Slaves.

**ARTICLE III.** Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the Republic of Chile, hereby mutually engage, that, by an additional Convention, hereafter to be concluded between the said High Contracting Parties to the present Treaty, they will concert and settle the details of the measures by which the law of piracy, which will become applicable to that traffic by the legislation of each of the two countries, shall be immediately and reciprocally carried into execution, with respect to the vessels and subjects or citizens of each.

buenas y debida forma, han acordado y concluido los Articulos siguientes:—

**ARTICULO I.** Habiéndose abolido por la Constitucion Chilena la Esclavitud en todos los territorios de la República de Chile, se declara formalmente de ahora para siempre, que el Comercio de Esclavos es totalmente prohibido á todos los ciudadanos Chilenos, en todos las partes del mundo.

**ARTICULO II.** El Presidente de la República de Chile se obliga especialmente á promulgar en el territorio de esta, dos meses despues del canje de las ratificaciones, si el Congreso ordinario estuviere entonces reunido, ó dos meses despues de la subsiguiente reunion ordinaria del Congreso, una lei que imponga la pena de pirateria á todo ciudadano Chileno que tome parte alguna, bajo cualquier color ó pretexto, en el Comercio de Esclavos; y se obliga así mismo á adoptar de tiempo en tiempo, segun la necesidad lo requiera, las mas efficaces medidas para impedir que los ciudadanos de la República se interesen, ó su pabellon se emplee, de modo alguno en el expreso comercio.

**ARTICULO III.** El Presidente de la República de Chile, y Su Majestad la Reina del Reino Unido de la Gran Bretaña e Irlanda, se obligan mutuamente á concertar y establecer, por medio de una Convencion que se añadirá al presente Tratado, y mas adelante se ajustará entre las dichas Altas Partes Contratantes, los pormenores de las medidas conducentes á que la lei de pirateria, que se hará entonces aplicable á dicho tráfico segun la legislacion de cada uno de los dos países, sea inmediata y reciprocamente puesta en ejecucion, con respecto á los buques y á los ciudadanos ó súbditos de cada una.

**ARTICLE IV.** In order more completely to carry into effect, the spirit of the present Treaty, the two High Contracting Parties mutually consent that those ships of their navies, respectively, which shall be provided with special Instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of being engaged in the Traffic in Slaves, or of having been fitted out for the purposes thereof, or of having, during the voyage in which they are met by the said cruisers, been engaged in the Traffic in Slaves, contrary to the provisions of this Treaty; and that such cruisers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

**ARTICLE V.** In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed:—

*First.* That all ships of the navies of the two nations which shall be hereafter employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments, with a copy, in the English and Spanish languages, of the present Treaty; of the Instructions for cruisers, annexed thereto *sub literā A*; and of the Regulations for the Mixed Courts of Justice, annexed thereto *sub literā B*; which Annexes shall be considered as an integral part of the Treaty.

*Secondly.* That each of the High Contracting Parties shall from time to time, communicate to the other, the names of the several ships furnished with such Instructions, the force of each ship, and

**ARTICULO IV.** Y con el fin de llevar mas complidamente á efecto el espíritu del presente Tratado, las dos Altas Partes Contratantes se convienen en que los buques de sus respectivas armadas á los que se proveerá de Instrucciones especiales para este objeto, segun se expresará mas adelante, podrán visitar las embarcaciones mercantes de las dos naciones que con racionales fundamentos induzcan sospecha de que se ocupan en el Tráfico de Esclavos, ó de que han sido equipadas con este intento, ó de que, durante el viaje en que se encuentren con los mencionados cruceros, se han empleado en el Tráfico de Esclavos, contraviniendo á lo que en el presente Tratado se estipula; y convienen tambien ambas Partes Contratantes en que los referidos cruceros podrán detener dichas embarcaciones, y enviarles ó conducirlas para ser juzgadas del modo que mas abajo se dispone.

**ARTICULO V.** Para arreglar el modo de llevar á efecto las provisiones del Artículo precedente, queda convenido:—

1º. Que á todos los buques de las armadas de las dos naciones que se emplearen en impedir el Tráfico de Esclavos, se les suministrará por sus respectivos Gobiernos, en lengua Española é Inglesa, una copia del presente Tratado, de las Instrucciones para los cruceros á el anexas, y señaladas con la letra A, y del Reglamento que ha de servir de guía á los Tribunales Mixtos de Justicia, y que tambien se agrega bajo la letra B; debiendo ambos documentos considerarse como parte integrante del Tratado.

2º. Que las dos Altas Partes Contratantes comunicarán de tiempo en tiempo, la una á la otra, los nombres de los varios buques provistos con las Instrucciones susodichas, la fuerza de cada buque, y

the names of their several commanders.

*Thirdly.* That if at any time there shall be just cause to suspect that any merchant vessel, sailing under the flag of either nation, and proceeding under the convoy of any ship or ships of war, of either of the Contracting Parties, is engaged or is intended to be engaged in the Traffic in Slaves, or is fitted out for the purposes thereof, or has during the voyage on which she may be met with, been engaged in the Traffic in Slaves, it shall be lawful for the commander of any ship of the navy of either of the two High Contracting Parties, furnished with such Instructions as aforesaid, to visit such merchant vessel; and such commander shall proceed to visit the same, in communication with the commanding officer of the convoy, who, it is hereby agreed, shall give every facility to the visit, and to the eventual detention of such merchant vessel; and in all things shall assist, to the utmost of his power, in the due execution of the present Treaty, according to the true intent and meaning thereof.

*Fourthly.* It is further mutually agreed, that the commanders of the ships of the two navies respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid Instructions.

ARTICLE VI. As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention; and that the

los nombres de sus respectivos comandantes.

3º. Que siempre que hubiere fundado motivo de sospechar que alguna embarcacion mercante de las que llevan la bandera y navegan bajo la escolta ó convói de un buque ó buques de guerra de cualquiera de las Partes Contratantes, se ocupa, ó se tiene intencion de ocuparla, en el Tráfico de Esclavos, ó está equipada al efecto, ó durante el viaje en que se la encontrare se ha ocupado en dicho tráfico, será licito al comandante de cualquier buque de la armada de una ú otra de las dos Partes Contratantes, estando provisto de las sobredichas Instrucciones, visitar la embarcacion mercante; y el referido comandante procederá á ejecutarlo, entendiendose con el comandante del convói, el cual (como aqui se estipula expresamente) facilitará esta visita y la detencion (si hubiere lugar á ella) de la sobredicha embarcacion mercante, y auxiliará en todo cuanto le fuere posible la puntual ejecucion del presente Tratado, segun su verdadero sentido y espiritu.

4º. Tambien queda mutuamente concertado, que los comandantes de los respectivos buques de guerra de ambas Potencias, que se emplearen en éste servicio, se atendrán estrictamente al exacto tenor de las referidas Instrucciones.

ARTICULO VI. Como los dos Articulos que preceden son enteramente reciprocos, las dos Altas Partes Contratantes se obligan mutuamente á abonar las pérdidas que sus respectivos ciudadanos ó súbditos experimenten por la arbitraría e ilegal detencion de sus embarcaciones; en la inteligencia de que la indemnizacion será invariablemente satisfecha por el Gobierno cuyo crucero haya incurrido en dicha arbitraría e ilegal

visit and detention of vessels specified in Article IV of this Treaty, shall only be effected by these British or Chilian ships which may form part of the navies (royal and national) respectively, of the two High Contracting Parties to the Treaty, and by such ships only of those navies as shall be provided with the special Instructions annexed to the present Treaty, in pursuance of the provisions thereof.

The compensation for damages, of which this Article treats, shall be made within the term of one year, reckoned from the day on which the Mixed Court of Justice pronounces sentence on the vessel, for the detention of which such compensation is claimed.

ARTICLE VII. In order to bring to adjudication with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of Article IV of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present Treaty, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by the two High Contracting Parties respectively.

These Courts shall reside, one in a possession belonging to Her Britannic Majesty, the other within the territories of the Republic of Chile; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own territories, in what places the Courts shall respectively reside; each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Court held within its own territories; provided, however, that

detencion; y que la visita y detencion de embarcaciones, de que se hace mención en el Artículo IV de este Tratado, solo podrán efectuarse por los buques Chilenos e Ingleses que formen parte de las respectivas armadas, real y nacional, de las dos Altas Partes Contratantes, y que además se hallen provistos de las Instrucciones especiales anexas á este Tratado, con arreglo á lo que en él se estipula.

La indemnización de perjuicios de que trata este Artículo, se hará en el término de un año, contado desde el dia en que el respectivo Tribunal Mixto pronunciare sentencia sobre la embarcación, por cuya captura se reclama la indemnización.

ARTICULO VII. Para proceder con el menor retardo y perjuicio posible á la adjudicacion de las embarcaciones que sean detenidas con arreglo al tenor del Artículo IV de este Tratado, se establecerán en el espacio de un año, á mas tardar, contado desde el canje de las ratificaciones, dos Tribunales Mixtos de Justicia, formados de un número igual de individuos de las dos naciones, nombrados á este fin por los respectivos Gobiernos de las dos Altas Partes Contratantes.

Estos Tribunales residirán, el uno en el territorio de la República de Chile, y el otro en una posesión perteneciente á Su Majestad Británica; y los dos Gobiernos, al tiempo del canje de las ratificaciones del presente Tratado, declararán en que paraje de sus respectivos territorios han de residir estos Tribunales; bien entendido que cada una de las dos Altas Partes Contratantes se reserva el derecho de variar á su arbitrio, el lugar de la residencia del Tribunal que esté en ejercicio en su territorio; pero con la precisa condición

one of the two Courts shall always be held upon the coast of Africa, and the other in one of the possessions of the Republic of Chile.

These Courts shall judge the causes submitted to them, according to the provisions of the present Treaty, without appeal, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

**ARTICLE VIII.** If the commanding officer of any of the ships of the navies of Great Britain and of Chile, respectively, duly commissioned according to the provisions of Article IV of this Treaty, shall deviate, in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and, in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

**ARTICLE IX.** It is hereby further mutually agreed, that every merchant vessel, British or Chilian, which shall be visited by virtue of the present Treaty, may lawfully be detained, and be sent or brought before the Mixed Courts of Justice established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things hereinafter mentioned, namely:—

*First.* Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

*Secondly.* Divisions or bulkheads

de que uno de los dos Tribunales residirá en algun punto de las posesiones de la República de Chile, y el otro en la costa de Africa.

Estos Tribunales juzgarán las causas que se les sometan con arreglo á las estipulaciones del presente Tratado; y sus sentencias serán sin apelacion, y de conformidad con los Reglamentos é Instrucciones anexas á él, que se consideran como parte integrante del mismo.

**ARTICULO VIII.** Si el oficial comandante de cualquiera de los buques de las respectivas armadas Chilena y Británica, comisionado en debida forma segun lo que en el Artículo IV de este Tratado se ha provisto, se desviare un alguna manera de las estipulaciones del mismo, ó de las Instrucciones á él anexas, el Gobierno que por ello se juzgue agraviado, tendrá derecho á pedir una reparacion; y en tal caso, el Gobierno á que dicho oficial comandante pertenezca, se obliga á mandar hacer indagacion del hecho que motive la queja, y á imponer al mencionado oficial una pena proporcionada á la transgresion voluntaria que hubiere cometido.

**ARTICULO IX.** Queda ademas mutuamente convenido, que toda embarcacion mercante Chilena ó Británica que sea visitada en virtud del presente Tratado, pueda ser legalmente detenida, y enviada ó conducida ante los Tribunales Mixtos de Justicia establecidos con arreglo á lo que en él se ha provisto, siempre que en su equipo se encuentren algunos de los enseres siguientes:—

1º. Escotillas con redes abiertas, en lugar de las escotillas cerradas que se usan en las embarcaciones mercantes.

2º. Separaciones ó divisiones en

in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

*Thirdly.* Spare plank, fitted for being laid down as a second, or slave-deck.

*Fourthly.* Shackles, bolts, or handcuffs.

*Fifthly.* A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel, as a merchant vessel.

*Sixthly.* An extraordinary number of water-casks, or of other vessels for holding liquid; unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such merchant vessel, that such extra quantity of casks or of other vessels, should only be used for the reception of palm oil, or for other purposes of lawful commerce.

*Seventhly.* A greater quantity of mess-tube, or kids, than are requisite for the use of the crew of the vessel, as a merchant vessel.

*Eighthly.* A boiler of an unusual size, and larger, or fitted for being made larger, than requisite for the use of the crew of the vessel, as a merchant vessel; or more than one boiler of the ordinary size.

*Ninthly.* An extraordinary quantity either of rice, of the fleur of Brazil, manioc, or cassada, commonly called farinha; of maize or Indian corn, or of any other article of food whatever, beyond what might probably be required for the use of the crew; such rice, flour, maize, Indian corn, or other article of food, not

la bodega ó sobre cubierta, en mayor número que el necesario para los buques destinados á un trafico legal.

3º. Tablones de repuesto, preparados para formar una secunda cubierta, ó entre-puente de esclavos.

4º. Cadenas, grillos, y manillas.

5º. Una cantidad de agua en vasijas ó cubas, mayor que la necesaria para el consumo de la tripulacion de la nave, en su calidad de nave mercante.

6º. Un número extraordinario de barriles, ó de otra clase de vasijeria para contener liquidos; a menos que el capitán exhiba un certificado de la aduana del paraje de su procedencia, en que conste haberse dado por los propietarios de dicha embarcacion mercante, suficientes seguridades de que esta superabundante cantidad de barriles ó vasijas se emplearia tan solamente en el transporte de aceite de palma, ó de otros objetos de licito comercio.

7º. Una cantidad de calderas ó vasijas de rancho, mayor de la que se requiere para el uso de la tripulacion de la nave, en su calidad de nave mercante.

8º. Una caldera de un tamaño extraordinario, y cuya magnitud sea, ó pueda por su construccion hacerse, mayor de lo que se requiere para el uso de la tripulacion de la nave, como nave mercante; ó mas de una caldera de tamaño ordinario.

9º. Una cantidad extraordinaria de arroz, ó de harina del Brazil, manioco ó casabe, vulgarmente llamado farina; ó de maiz ó de cualquier otro comestible, de manera que exceda á la que probablemente seria necesaria para el uso de la tripulacion; siempre que dicho arroz, harina, maiz, ó otro comestible, no se designe en el

being entered on the manifest as part of the cargo for trade.

*Tenthly.* A quantity of mats or matting, greater than is necessary for the use of the crew of the vessel, as a merchant vessel.

Any one or more of these several things, if proved, shall be considered as *prima facie* evidence of the actual employment of the vessel in the Slave Trade ; and the vessel shall thereupon be condemned and be declared lawful prize, unless clear and incontestable evidence on the part of the master or owners shall establish, to the satisfaction of the Court, that such vessel was, at the time of her detention or capture, employed in some legal pursuit, and that such of the several things above enumerated, as were found on board her at the time of her detention, or had been put on board on the voyage on which the vessel, when captured, was proceeding, were needed for legal purposes on that particular voyage.

**ARTICLE X.** If any of the things specified in the preceding Article shall be found in any merchant vessel, no compensation for losses, damages, or expenses consequent upon the detention of such vessel, shall in any case be granted, either to her master or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Court of Justice should not pronounce any sentence of condemnation in consequence of her detention : the intention of the two High Contracting Parties, in agreeing to this stipulation, being to discourage, by all the means at their disposal, the embarkation of stores of the class enumerated in the foregoing Article, under any pretext, or for whatever purpose

manifesto como parte del cargamento en que se comercia.

10º. Una cantidad de petates ó esteras, mayor que la necesaria para el uso de la tripulacion de la nave, como nave mercante.

Verificándose alguna ó algunas de estas cosas, se considerarán como pruebas *prima facie* de que la embarcacion se ocupa actualmente en el Comercio de Negros ; y la embarcacion en esta virtud será condenada y declarada buena preso, á menos que el capitán ó los dueños de ella prueben de un modo claro e incontestable, á satisfaccion del Tribunal, que la embarcacion, al tiempo de su detencion ó captura, se hallaba empleada en alguna especulacion legal, y que aquellos de los articulos arriba enumerados, que se hubiesen encontrado en ella al tiempo de la detencion, o que hubiesen sido puestos á su bordo en el viaje que dicha embarcacion hacia cuando fué detenida, se necesitaban para objetos legales en aquel particular viaje.

**ARTICULO X.** Si alguno de los objetos especificados en el Articulo anterior se hallare á bordo de alguna embarcacion mercante, ni el capitán, ni el propietario, ni otra persona alguna interesada en el equipo ó cargamento de la embarcacion, tendrá derecho á reclamar indemnizacion de daños, perjuicios, o gastos, aun cuando el Tribunal Mixto no haya pronunciado sentencia de condenacion en la causa : siendo la intencion de las dos Altas Partes Contratantes, al acordar esta estipulacion, desfavorecer, por todos los medios que estan á su alcance, el embarque de efectos de las clases enumeradas en el precedente Articulo, bajo cualquier pretesto, y con cualquier fin que se haga ; los cuales, aun en el caso, de hallarse abordo de una embar-

they may be intended, and which, though discovered on board of a vessel not actually engaged, or to be employed in the Traffic in Slaves, may be surreptitiously converted to the furtherance of the iniquitous designs of those who are, or may hereafter be so, in contravention of the provisions of this Treaty.

ARTICLE XI. It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained, under this Treaty, by their respective cruizers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

ARTICLE XII. The Negroes who are found on board of a vessel detained by a cruiser, and condemned by the Mixed Courts of Justice, in conformity with the stipulations of this Treaty, shall be placed at the disposition of the Government whose cruizer has made the capture, on the distinct understanding that they shall be immediately set at liberty and kept free; the Government to which they have been delivered guaranteeing the same, and likewise engaging to afford from time to time, and whenever demanded by the other High Contracting Party, the fullest information as to the state and condition of such Negroes, with a view of ensuring the due execution of the Treaty in this respect.

For this purpose, the Regulations annexed to this Treaty, *sub litera C*; as to the treatment of Negroes liberated by sentence of

cacion que no se ocupe actualmente, ó no se piense ocupar, en el Tráfico de Esclavos, pueden surrepticiamente emplearse en los inicuos objetos de los que hacen dicho tráfico, en contravencion á las provisiones del presente Tratado.

ARTICULO XI. Las dos Altas Partes Contratantes han convenido en que, siempre que en virtud de este Tratado, se detenga un buque por sus respectivos cruceros, bien por haberse empleado en el Tráfico de Esclavos, ó bien por hallarse equipado para dicho objeto, y en consecuencia sea juzgado y condenado por los Tribunales Mixtos de Justicia que han de establecerse segun lo arriba dicho, el tal buque sera hecho pedazos inmediatamente despues de condenado, y se procedera á su venta por trozos separados.

ARTICULO XII. Los Negros que se encontraren á bordo de una embarcacion detenida por un crucero, y condenada por uno de los Tribunales Mixtos de Justicia, de conformidad con las estipulaciones del presente Tratado, se pondrán á disposicion del Gobierno cuyo crucero haya hecho la presa, en la expresa inteligencia de que serán inmediatamente restituidos á la libertad, y mantenidos en el goce de ella; comprometiendose á ello el Gobierno á quien se entregaren, y obligandose ademas á exhibir de tiempo en tiempo, y siempre que asi lo requiera la otra Alta Parte Contratante, la mas cabal noticia del estado y condicion de dicho Negros, á fin de asegurar la debida observancia del Tratado.

Con el propio fin, se ha extendido el Reglamento anexo á este Tratado bajo la letra C, concerniente al trato de los Negros

the Mixed Courts of Justice, have been drawn up, and are declared to form an integral part of this Treaty. The two High Contracting Parties reserve to themselves the right to alter or suspend, by common consent and mutual agreement, but not otherwise, the terms and tenor of such Regulations.

ARTICLE XIII. The Acts or Instruments annexed to this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:

A. Instructions for the ships of the navies of both nations, destined to prevent the Traffic in Slaves.

B. Regulations for the Mixed Courts of Justice, which are to hold their sittings on the coast of Africa, and in one of the possessions of the Republic of Chile.

C. Regulations as to the treatment of liberated Negroes.

ARTICLE XIV. The present Treaty, consisting of fourteen Articles, shall be ratified, and the ratifications thereof exchanged at Santiago, as soon as possible within the space of twelve months from this date.

In witness whereof the respective Plenipotentiaries have signed, in triplicate originals, English and Spanish, the present Treaty, and have thereunto affixed the seal of their arms.

Done at Santiago de Chile, this nineteenth day of January, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) JOHN WALPOLE.  
(L.S.) JOAQUIN TOCORNAL.

emancipados por sentencia de los Tribunales Mixtos, y se declará que dicho Reglamento forma parte integrante de este Tratado: reservándose las dos Altas Partes Contratantes el derecho de alterar y suspender, de comun acuerdo y mutuo consentimiento, pero no de otro modo, los terminos y tenor del referido Reglamento.

ARTICULO XIII. Los Actos ó Instrumentos anexos al presente Tratado, y que, segun se ha convenido, deberán formar parte integrante de él, son los siguientes:

A. Instrucciones para los buques de las armadas de ambas naciones, destinados á impedir el Tráfico de Esclavos.

B. Reglamento para los Tribunales Mixtos de Justicia que han de celebrar sus sesiones en el territorio de la República de Chile, y en la costa de África.

C. Reglamento sobre el modo de tratar á los Negros emancipados.

ARTICULO XIV. El presente Tratado, que consta de catorce Articulos, será ratificado, y sus ratificaciones canjeadas en Santiago, lo mas pronto posible dentro del termino de doce meses contados desde el dia de la fecha.

En testimonio de lo cual los respectivos Plenipotenciarios han firmado, por triplicado, ejemplares del presente Tratado, en Español y en Ingles, y los han sellado con sus armas.

Fecho en la ciudad de Santiago, á diez y nueve dias del mes de Enero, del año de nuestro Señor mil ochocientos treinta y nueve.

(L.S.) JOAQUIN TOCORNAL.  
(L.S.) JOHN WALPOLE.

*Annex A to the Treaty between Great Britain and the Republic of Chile, for the Abolition of the Traffic in Slaves.*

*Adicion A al Tratado entre la República de Chile y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, para la Abolición del Tráfico de Esclavos.*

*Instructions for the Ships of the British and Chilian Navies, employed to prevent the Traffic in Slaves.*

**ARTICLE I.** The commander of any ship belonging to the navy of Her Britannic Majesty, or of the Republic of Chile, which shall be furnished with these Instructions, shall have a right to visit, search, and detain, any British or Chilian merchant vessel, which shall be actually engaged, or which shall be suspected to be engaged, in the Slave Trade, or to be fitted out for the purposes thereof, or to have been engaged in the Traffic in Slaves during the voyage in which she may be met with by such ship of the British or Chilian navy; and such commander shall thereupon bring or send such merchant vessel, as soon as possible, for judgment before that one of the two Mixed Courts of Justice established in virtue of Article VII of the said Treaty, which shall be the nearest to the place of detention, or which such commander shall, upon his own responsibility, think can be soonest reached from such place.

**ARTICLE II.** Whenever a ship of either of the said navies, duly authorized as aforesaid, shall meet a merchantman liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between

*Instrucciones para los Buques de las Armadas Chilena y Británica, destinados á impedir el Tráfico de Esclavos.*

**ARTICULO I.** El comandante de cualquier buque de guerra perteneciente á la armada Chilena ó Británica, que se halle provisto de estas Instrucciones, tendrá derecho de visitar, registrar, y detener cualquiera embarcacion mercante Chilena ó Británica que actualmente estuviere empleada en el Comercio de Esclavos, ó que induzca sospecha de estarlo, ó de haberse equipado al efecto, ó de haberse empleado en dicho Tráfico durante el viaje en que la encontrare el referido buque de guerra de la armada Chilena ó Británica; y el sobredicho comandante conducirá en consecuencia, ó enviará la embarcacion mercante, lo mas pronto posible, para que sea juzgada, ante uno de los Tribunales Mixtos de Justicia establecidos en virtud del Articulo VII de este Tratado; prefiriéndose el Tribunal que estuviere mas cerca del paraje de la detencion, ó al que dicho comandante crea, bajo su responsabilidad, que puede arribarse mas pronto desde el mismo paraje.

**ARTICULO II.** Siempre que el comandante de un buque de cualquiera de ambas armadas, debidamente autorizado del modo que arriba se expresa, encuentre una embarcacion mercante que haya de visitarse con arreglo á las stipulaciones del Tratado, se verificará el registro con la mayor me-

allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navy of Great Britain or Chile, respectively, (unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank,) or by the officer who, at the time, shall be second in command of the ship by which such search is made.

**ARTICLE III.** The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant vessel in pursuance of the tenor of the present Instructions, shall leave on board the vessel so detained, the master, the mate, or boatswain, and two or three, at least, of the crew thereof; the whole of the Slaves, if any; and all the cargo.

The captor shall, at the time of detention, draw up, in writing, an authentic declaration, which shall exhibit the state in which he found the detained vessel; such declaration to be signed by himself, and to be given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be carried or sent for adjudication.

He shall deliver to the master of the detained vessel, a certified list of the papers seized on board the same, as well as of the number of Slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have

deracion, y con todos los manejos que deben observarse entre naciones aliadas y amigas; ejecutandolo en todos casos un oficial de no menor graduacion que la de teniente de la respectiva armada Chilena ó Británica, (á menos que por muerte ó por otro motivo haya recaido el mando en otro oficial de inferior grado,) ó el oficial que á la sazon sea segundo comandante del buque que haga el registro.

**ARTICULO III.** El comandante de cualquier buque de una u otra de las dos armadas, debidamente autorizado segun lo arriba dicho, que detuviere una embarcacion mercante con arreglo al tenor de las presentes Instrucciones, dejará á bordo de ella al capitán, al piloto ó contramaestre, y á dos ó tres, á lo menos, de su tripulacion; todos los Esclavos, si algunos hubiere; y toda la carga.

El aprehensor, al tiempo de la detencion, extenderá por escrito una declaracion auténtica, en la que se manifieste el estado en que se encontró la embarcacion detenida, firmando él mismo la declaracion, y entregándola ó enviándola, junto con la embarcacion detenida, al Tribunal Mixto de Justicia á que la dicha embarcacion fuere conducida ó enviada para su adjudicacion.

El aprehensor entregará ademas al capitán de la embarcacion una lista, certificada bajo su firma, de los papeles tomados á bordo, y del número de Esclavos que se hubiere encontrado en ella al momento de la detencion.

En la declaracion auténtica que el aprehensor queda por el presente Articulo obligado á hacer, é igualmente en la lista certificada de los papeles tomados, se expresará su propio nombre y apellido, el nombre del buque aprehensor, la latitud y longitud del paraje en

taken place, and the number of Slaves found on board the vessel at the time of the detention.

The officer in charge of the vessel detained shall, at the time of his bringing the vessel's papers into the Mixed Court of Justice, deliver in to the Court a paper, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such paper.

**ARTICLE IV.** The Slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of adjudication; in order that, in the event of the vessel not being adjudged legal prize, the loss of the proprietors may be more easily repaired; and even after the Slaves have arrived at such place, they are not to be landed without permission of the Mixed Court of Justice.

But if urgent reasons, deduced from the length of the voyage, from the state of health of the Slaves, or from other causes, should require that either the whole or a portion of the Negroes should be disembarked before the vessel can arrive at the place at which one of the said Courts is established, the commander of the capturing ship may take upon himself the responsibility of so disembarking the Negroes, provided that such necessity, and the causes thereof, be stated in a certificate in proper form, and that this certificate be entered at the time, on the log-book of the detained vessel.

The undersigned Plenipotentia-

que se hubiere efectuado la detención, y el número de Esclavos que se hubiere hallado á bordo de la embarcacion mercante al tiempo de la detención.

El oficial encargado de conducir la embarcacion detenida, entregará al Tribunal Mixto de Justicia, al tiempo de presentarle los papeles de aquella, un documento bajo su firma, en el que exprese con juramento, las variaciones que hayan ocurrido respecto á la embarcacion, á su tripulacion, á los Esclavos, si los hubiere, y á su cargamento, en el tiempo transcurrido desde su detención hasta la entrega de dicho documento.

**ARTICULO IV.** Los Esclavos no se desembarcarán hasta tanto que la embarcacion que los conduzca haya llegado al lugar donde vía á ser juzgada; a fin de que si sucediere que la embarcacion no fuere declarada buena presa, pueda resarcirse mas facilmente la perdida de los propietarios; y aun despues de la llegada de los Esclavos á dicho lugar, no serán estos desembarcados sin que preceda al efecto la licencia del Tribunal Mixto de Justicia.

Pero si motivos urgentes, oriñados ó de largo del viaje, ó del estado de salud de los Esclavos, ó de otras causas, exijieren que todos los Negros, ó parte de ellos, se desembarquen antes de que la embarcacion llegue al lugar de la residencia de uno de los referidos Tribunales, el comandante del buque aprehensor podrá tomar sobre si la responsabilidad de este desembarco, con tal que la necesidad y causas de ello se expresen en un certificado en debida forma, y que este certificado se extienda, llegado que sea el caso, en el libro de navegacion de la embarcacion detenida.

Los infrascritos Plenipotencia-

ries have agreed, in conformity with Article XIII of the Treaty signed by them on this day, the nineteenth of January, 1839, that the preceding Instructions, consisting of four Articles, shall be annexed to the said Treaty, and be considered as an integral part thereof.

The nineteenth day of January, one thousand eight hundred and thirty-nine.

(L.S.) JOHN WALPOLE.

(L.S.) JOAQUIN TOCORNAL.

rios han convenido, de conformidad con el Artículo XIII del Tratado firmado por ellos el día de hoy, diez y nueve de Enero de mil ochocientos treinta y nueve, que las presentes Instrucciones, compuestas de cuatro Artículos, correrán anexas á dicho Tratado, y serán consideradas como parte integrante de él.

Enero diez y nueve, de mil ochocientos treinta y nueve.

(L.S.) JOAQUIN TOCORNAL.

(L.S.) JOHN WALPOLE.

*Annex B to the Treaty between Great Britain and the Republic of Chile, for the abolition of the Traffic in Slaves.*

*Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa, and in the Possessions of the Republic of Chile.*

ARTICLE I. The Mixed Courts of Justice to be established under the provisions of the Treaty, of which these Regulations are declared to be an integral part, shall be composed in the following manner. Each of the two High Contracting Parties shall name a judge and an arbitrator, who shall be authorized to hear, and to decide without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The judges and the arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal magistrate of the places in which such Courts respectively shall reside, that they

*Adicion B al Tratado entre la República de Chile y Sa Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, para la abolicion del Tráfico de Esclavos.*

*Reglamento para los Tribunales Mixtos de Justicia que han de residir en el Territorio de la República de Chile, y en la Costa de África.*

ARTICULO I. Los Tribunales Mixtos de Justicia que se han de establecer en virtud de las estipulaciones del Tratado de que este Reglamento se declara ser parte integrante, se compondrán de la manera siguiente. Cada una de las dos Altas Partes Contratantes nombrará un juez y un árbitro autorizados para examinar y sentenciar, sin apelación, todos los casos de captura ó detención de embarcaciones que, con arreglo á las estipulaciones del sobredicho Tratado, sean conducidas ante ellos. Estos jueces y árbitros, antes de entrar en el ejercicio de sus funciones, se obligarán por juramento, que prestarán ante el magistrado superior del lugar en donde los respectivos tribunales residan, á

will judge fairly and faithfully; that they will have no preference, either for the claimants or the captors; and that they will act, in all their decisions, in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a secretary or registrar, who shall be appointed by the Government of the country within the territories of which such Court shall reside. Such secretary or registrar shall register all the acts of such Court, and shall, before he enters upon his office, make oath before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to the said office.

The salary of the secretary or registrar of the Court to be established on the coast of Africa, shall be paid by Her Britannic Majesty; and that of the secretary or registrar of the Court to be established in the possessions of the Republic of Chile shall be paid by the Government of that Republic.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such Courts.

ARTICLE II. The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, Slaves, and cargo, and with the execution of the sentence; and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the broken-up vessel, of the ship's stores, and of such parts of the cargo as shall consist of merchandise. And in case the proceeds arising from this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the

juzgar leal y fielmente, á no mostrar parcialidad á favor de los aprehendidos ni de los aprehensores, y á observar en todas sus sentencias, las estipulaciones del sobre-dicho Tratado.

A cada uno de los Tribunales Mixtos se agregará un secretario ó actuaria, nombrado por el Gobierno del país en que dicho Tribunal residiere. Este secretario ó actuaria extenderá los procedimientos del Tribunal, y ántes de entrar en el ejercicio de sus funciones, prestará juramento, ante el Tribunal á que se le destine, de conducirse con el debido respeto á la autoridad del mismo Tribunal, y de obrar fiel é imparcialmente en todo cuanto concierne á su cargo.

El sueldo del secretario ó actuaria del Tribunal que se establezca en el territorio Chileno, será pagado por la República de Chile; y el del secretario ó actuaria del Tribunal que se establezca en la costa de África, será pagado por Su Majestad Británica.

Cada uno de los dos Gobiernos satisfará la mitad del importe total de los gastos contingentes de los expresados Tribunales Mixtos.

ARTICULO II. Los gastos hechos por el oficial encargado de recibir, mantener, y cuidar la embarcación detenida, sus Esclavos y cargamento, y de la ejecución de la sentencia, y todos los desembolsos que se hicieren para conducir una embarcación á ser juzgada, serán satisfechos, en el caso de ser condenada, de los fondos producidos por la venta de los materiales de la embarcación hecha pedazos, de los enseres de la embarcación, y de la parte de su cargamento que consista en mercancías. Si los productos de esta venta no fueren suficientes para satisfacer los mencionados gastos,

Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, except in the cases specified and otherwise provided for under Article X of the Treaty to which these Regulations form an Annex, and under Article VII of these Regulations.

**ARTICLE III.** The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruisers of either nation shall, in pursuance of the said Treaty, detain.

These Courts shall adjudge definitely and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Courts shall take place with as little delay as possible; and for this purpose, the Courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding Court shall reside.

The final sentence shall not, in any case, be delayed beyond the period of two months, whether on account of the absence of witnesses, or for any other cause except upon the application of any of the parties interested; in which case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months. Either party shall be allowed to employ such

se abonará el deficit por el Gobierno del pais en cuyo territorio se haya adjudicado la embarcacion.

Y dado caso que la embarcacion detenida fuere absueta, los gastos que haya ocasionada su conduccion ante el Tribunal respectivo, se satisfaran por el aprehensor, salvo en los casos en que se ha dispuesto otra cosa, especificados en el Articulo X del Tratado de que este Reglamento forma parte, y en el Articulo VII de este mismo Reglamento.

**ARTICULO III.** Los Tribunales Mixtos de Justicia decidirán de la legalidad de la detención de las embarcaciones que los cruceros de una u otra nación aprehendan en cumplimiento del sobredicho Tratado.

Estos Tribunales juzgarán definitivamente y sin apelación, todas las cuestiones á que dén lugar la captura y detención de las embarcaciones.

Los procedimientos judiciales de estos Tribunales se efectuarán con la menor demora que fuere posible, y con este fin, se les encargará, en cuanto sea practicable, decidir cada caso en el término de veinte días contados desde el de la entrada de la embarcación aprehendida en el puerto donde residiere el Tribunal que deba juzgarla.

En ningún caso tardará la sentencia definitiva mas de dos meses, ya sea por ausencia de testigos, ó por otra causa cualquiera, salvo cuando alguna ó algunas de las partes interesadas lo soliciten; en cuyo caso, presentándose por la dicha parte ó partes interesadas las competentes fianzas de tomar sobre si los gastos y riesgos de la dilación, los Tribunales podrán conceder á su arbitrio, una nueva demora que no pase de cuatro meses. Cada parte tendrá la facultad de emplear, para que la diligencia

counsel as he may think fit to assist him in the conduct of his cause.

All the essential parts of the proceedings of the said Courts shall be written down in the language of the country in which the Courts shall respectively reside.

ARTICLE IV. The form of the process shall be as follows :—

The judges appointed by the two nations, respectively, shall, in the first place, proceed to examine the papers of the detained vessel, and to take the depositions of the master or commander, and of two or three, at least, of the principal individuals on board such vessel ; as well as the declaration, on oath, of the captor, should such declaration appear necessary to enable them to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty, so that, according to the judgment pronounced, the vessel may be condemned or released.

In the event of the two judges not agreeing as to the sentence which they ought to pronounce, in any case brought before them, either with respect to the legality of the detention, or the liability of the vessel to condemnation, or the compensation to be allowed, or as to any other question which may arise out of the said capture ; or if any difference of opinion should arise between them as to the mode of proceeding in the said Court, they shall draw by lot the name of one of the two arbitrators appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned judges ; and the final sentence or decision shall be

en los trámites de la causa á los letrados que guste.

Todas las actuaciones ó procedimientos esenciales de los mencionados Tribunales se extenderán por escrito en la lengua del país donde resida el Tribunal respectivo.

ARTICULO IV. El modo de enjuiciar será como sigue :—

Los jueces nombrados respectivamente por cada una de las dos naciones, procederán ante todas cosas á examinar los papeles de la embarcacion aprehendida, y á tomar las declaraciones del capitán ó comandante, y de dos ó tres, al menos, de los principales individuos que se hubieren hallado á bordo de ella ; y si lo creyeren necesario, tomarán tambien declaracion jurada al aprehensor ; para que tengan los medios de juzgar y fallar si dicha embarcacion ha sido justa ó injustamente aprehendida, con arreglo á las estipulaciones del Tratado susodicho ; de manera que la embarcacion sea condenada ó absuelta en virtud de este juicio.

Si sucediere que los dos jueces no estén acordes acerca de la sentencia que deban pronunciar en el caso sometido á su deliberacion, ya sea en cuanto á la legalidad de la detencion, ya en cuanto á si la embarcacion está en el caso de ser condenada, ya sobre la indemnizacion que haya de darsele, ó sobre cualquier otra duda ó cuestión que emane de la susodicha captura ; ó si se suscitaran entre ellos divergencia de opiniones acerca del modo de proceder del Tribunal ; sacarán a la suerte el nombre de uno de los dos árbitros establecidos como arriba se expresa ; y este árbitro, despues de examinados los procedimientos que se hayan verificado, conferenciará sobre el caso con los dos sobredichos jueces,

pronounced conformably to the opinion of the majority of the three.

**ARTICLE V.** If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master or to the person who represents him; and such master or other person may, before the same Court, claim to have a valuation made, in order to ascertain the amount of the damages to which he shall be entitled. The captor himself, and in his default, his Government, shall remain responsible for the damages which may definitively be pronounced to be due to the master of such vessel, or to the owner of the vessel, or of her cargo.

The two High Contracting Parties bind themselves to pay within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject or citizen.

**ARTICLE VI.** If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the Slaves who shall have been brought on board for the purposes of commerce; and the said vessel, in conformity with the regulations in Article XI of the Treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

The Slaves shall receive from

y la sentencia ó fallo definitivo se pronunciará con arreglo al dictamen de la mayoría de los tres.

**ARTICULO V.** Si la embarcacion detenida fuere restituida por competencia del Tribunal, ella y su cargamento, en el estado en que entonces se encuentren, se entregaran al capitán, ó a la persona que le represente; y dicho capitán, ó la persona que haga sus veces, podrá reclamar ante el mismo Tribunal, la valuacion de los perjuicios cuyo resarcimiento tenga derecho de pedir. El aprehensor, y á falta de este, su Gobierno, quedará responsable al pago de los perjuicios á que definitivamente hayan sido declarados acreedores el capitán de la embarcacion, ó los propietarios de la misma, ó de su carga.

Las dos Altas Partes Contratantes se obligan á satisfacer, dentro del término de un año contado desde la fecha de la sentencia las costas y perjuicios cuya compensacion haya sido concedida por el susodicho Tribunal; quedando mutuamente entendido y convenido, que estas costas y perjuicios serán abonados por el Gobierne del país de que el aprehensor sea ciudadano ó súbdito.

**ARTICULO VI.** Si la embarcacion aprehendida fuere condenada, será declarada buena presa, junto con su cargamento, de cualquier naturaleza que esta sea, á excepcion de los Esclavos que hayan sido conducidos á su bordo con el objeto de traficar en ellos; y dicha embarcacion, de conformidad con las reglas del Articulo XI del Tratado de esta fecha, será vendida, igualmente que su cargamento, en pública subasta, á beneficio de ambos Gobiernos, despues de satisfechos los gastos que arriba se expresan.

Los Esclavos recibirán del Tri-

the Court a certificate of emancipation; and shall be delivered over to the Government to whom belongs the cruiser which made the capture, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty *sub litera C.*

The charges incurred for the support and for the return voyage of the commanders and crews of condemned vessels, shall be defrayed by the Government of which such commanders and crews are the subjects or citizens.

**ARTICLE VII.** The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, (save as mentioned in Article X of the Treaty to which these Regulations form an annex, and in a subsequent part of these Regulations,) the Court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention; that is to say:—

First. In case of total loss the claimant or claimants shall be indemnified,—

A. For the ship, her tackle, equipment, and stores.

B. For all freights due and payable.

C. For the value of the cargo

bunal un certificado de emancipacion, y serán entregados al Gobierno á quien pertenezca el crucero que ha hecho la presa, para que se les trate conforme al reglamento y condiciones contenidas en la Adicion C de este Tratado.

Los gastos que se ocasionen por la manutencion y viaje de retorno de los comandantes y tripulaciones de las embarcaciones condenadas, serán costeados por el Gobierno de que dichos comandantes y tripulaciones sean ciudadanos ó súbditos.

**ARTICULO VII.** Los Tribunales Mixtos examinarán tambien, y juzgarán definitivamente y sin apelación, todas las demandas que se que les hagan por compensación de pérdidas ocasionadas á las embarcaciones y cargas detenidas con arreglo á las estipulaciones de este Tratado, pero que no hayan sido condenadas como presas legales por dichos Tribunales; y en todos los casos en que se decrete la restitución de dichas embarcaciones y cargas, (salvo en los mencionados en el Artículo X del Tratado á que este Reglamento corre anexo, y en una parte siguiente de este mismo Reglamento,) el Tribunal concederá al reclamante ó reclamantes, ó á su apoderado ó apoderados legalmente constituidos, una justa y completa indemnización por todas las costas del proceso, y por todas las pérdidas y perjuicios que el propietario ó propietarios hayan experimentado en consecuencia de dicha captura y detención; es á saber:—

1º. En caso de pérdida total, el reclamante ó reclamantes serán indemnizados,—

A. Por el buque, sus aparejos, equipo, y provisiones.

B. Por todos los fletes debidos y pagaderos.

C. Por el valor del cargamento.

of merchandise, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

D. For all other regular charges in such case of total loss.

Secondly. In all other cases not of total loss, save as hereinafter mentioned, the claimant or claimants shall be indemnified,—

A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable.

B. For demurrage, according to the Schedule annexed to the present Article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risks.

Further, the claimant or claimants shall be entitled to interest at the rate of five per cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs: the whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be paid at the rate of exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other com-

de mercancías, si algunas hubiere, deduciendo todos los gastos y costos pagaderos sobre la venta de dicho cargamento, inclusa la comisión de venta.

D. Por todas las demás cargas regulares en dicho caso de pérdida total.

2º. En todos los demás casos que no fueren de pérdida total, salvo los que abajo se mencionarán, el reclamante ó reclamantes serán indemnizados,—

A. Por todos los perjuicios y gastos especiales que experimentare el buque por su detención, y por la pérdida de los fletes debidos ó pagaderos.

B. Por estadias, segun la Tarifa anexa al presente Artículo.

C. Por cualquiera deterioro del cargamento.

D. Por todo premio de seguros sobre riesgos adicionales.

El reclamante ó reclamantes tendrán derecho al interés de un cinco por ciento anual, sobre la suma concedida, hasta que dicha suma sea pagada por el Gobierno á que pertenezca el buque apresador; y el importe total de todas estas indemnizaciones se calculará en moneda del país á que pertenezca la embarcación apresada, y se pagará segun el cambio corriente al tiempo de hacerse la concesión.

Sin embargo, las dos Altas Partes Contratantes han acordado, que si se prueba á satisfacción de los jueces de ambas naciones, y sin recurrir á la decisión de un árbitro, que el aprehensor ha sido inducido á error por culpa del capitán ó comandante de la embarcación detenida, no tendrá ésta en tal caso derecho á cobrar, por el tiempo de su detención, las estadias estipuladas en el presente Artículo, ni otra alguna compensación por pérdidas, daños, ó gastos.

pensation for losses, damages, or expenses consequent upon such detention.

*Schedule of demurrage or daily allowance for a vessel of*

Tons.	100 to 120 inclusive,	£5 p. diem,
121	150	6 "
151	170	8 "
171	200	10 "
201	220	11 "
221	250	12 "
251	270	14 "
271	300	15 "

and so on in proportion.

ARTICLE VIII. Neither the judges, nor the arbitrators, nor the secretaries of the Mixed Courts of Justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries have to perform.

ARTICLE IX. The two High Contracting Parties have agreed, that in the event of the death, sickness, absence on leave, or other legal impediment, of one or more of the judges or arbitrators composing the above-mentioned Courts, respectively, the post of such judge or of such arbitrator shall be supplied, *ad interim*, in the following manner:—

*First.* On the part of Her Britannic Majesty, and in that Court which shall sit within the possessions of Her said Majesty,—if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled, successively, by the Governor or Lieutenant-Governor resident in such possession, by the principal magistrate of the same,

los consiguientes á su detención.

*Tarifa de estadias, o sea abono diario, para una embaracion desde*

Toneladas	Libras Esterlinas
100 á 120 inclusive	£5 por dia
121	150
151	170
171	200
201	220
221	250
251	270
271	300

y asi proporcionalmente.

ARTICULO VIII. Ni los jueces, ni los árbitros, ni los secretarios de los Tribunales Mixtos de Justicia, pedirán ni recibirán de ninguna de las partes interesadas en los casos que se juzgaren por dichos Tribunales, emolumento ó dadiva alguna, bajo cualquier pretexto que sea, por el cumplimiento de los deberes que á dichos jueces, árbitros, y secretarios incumben.

ARTICULO IX. Las dos Altas Partes Contratantes han acordado que en caso de muerte, enfermedad, ausencia con licencia temporal, ó cualquiera otro impedimento legal, de uno ó mas de los jueces ó árbitros que formen los sobre dichos Tribunales, la vacante del mencionado juez ó árbitro se llenará interinamente del modo que sigue:—

1º. Por parte de la República de Chile, y en el Tribunal que actúe en el territorio de dicha República,—si la vacante fuere la del juez Chileno, se llenará su puesto por el árbitro Chileno; y en este caso, ó en el de que la vacante fuere originariamente la del árbitro Chileno, será este reemplazado por el Gobernador Intendente de la provincia en que dicho Tribunal residiere, ó por el Gobernador Militar de Valparaíso, si el Tribunal residiere en Valparaíso; y

and by the secretary of the Government; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

*Secondly.* On the part of Great Britain, and in that Court which shall sit within the possessions of the Republic of Chile,—if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of British arbitrator shall be filled successively by the British Consul and Vice-Consul, if there be a British Consul or British Vice-Consul appointed to, and resident in, such possession; and if the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul, if there be a British Consul and a British Vice-Consul appointed to, and resident in, such possession; and if there shall be no British Consul or British Vice-Consul to fill the place of British arbitrator, then the Chilian arbitrator shall be called in, in those cases in which a British arbitrator, if there were any, would be called in; and in case the vacancy be both of the British judge and British arbitrator, and there be neither British Consul nor British Vice-Consul to fill, *ad interim*, the vacancies, then the Chilian judge and the Chilian arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

*Thirdly.* On the part of the Republic of Chile, and in that Court which shall sit within the

el Tribunal, así constituido, entrará en el ejercicio de sus funciones, y procederá en consecuencia á juzgar todos los casos que se le presenten, y á pronunciar sentencia sobre ellos.

2º. Por parte de la República de Chile, y en el Tribunal que actúe en una posesión de Su Majestad Británica,—si la vacante fuere la del juez Chileno, se llenará por el árbitro Chileno; y en este caso, ó en el de que la vacante fuere originariamente la del árbitro Chileno, será este reemplazado sucesivamente por el Cónsul Chileno y por el Vice-Cónsul Chileno, si hubiere Cónsul ó Vice-Cónsul Chilenos nombrados para dicha posesión, y residentes en ella; y en el caso de que la vacante fuere á un mismo tiempo del juez y del árbitro Chilenos, la vacante del juez Chileno se llenará por el Cónsul Chileno, y la del árbitro Chileno por el Vice-Cónsul Chileno, si hubiere Cónsul y Vice-Cónsul Chilenos nombrados para aquella posesión, y residentes en ella; y si no hubiere Cónsul ni Vice-Cónsul Chilenos para reemplazar al árbitro Chileno, el árbitro Británico será llamado en todos los casos en que el árbitro Chileno sería llamado, si lo hubiese; y en caso que la vacante fuere del juez y del árbitro Chilenos á un mismo tiempo, y no hubiere Cónsul ni Vice-Cónsul Chilenos para reemplazarlos ínterinamente, entonces actuarán el juez y el árbitro Británicos, y procederán en consecuencia á juzgar todos los casos que se les presenten, y á pronunciar sentencia sobre ellos.

3º. Por parte de Su Majestad Británica, y en el Tribunal que residiere en una posesión de Su

territories of the said Republic,—if the vacancy be that of the Chilian judge, his place shall be filled by the Chilian arbitrator; and either in that case, or if the vacancy be originally that of the Chilian arbitrator, the place of such Chilian arbitrator shall be filled by the Intendant Governor of the province in which the said Tribunal may reside, or by the military Governor of Valparaiso, if the Tribunal should reside in Valparaiso; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

*Fourthly.* On the part of Chile, and in that Court which shall sit within the possessions of Her Britannic Majesty,—if the vacancy be that of the Chilian judge, his place shall be filled by the Chilian arbitrator; and either in that case, or if the vacancy be originally that of the Chilian arbitrator, the place of Chilian arbitrator shall be filled successively by the Chilian Consul and Chilian Vice-Consul, if there be a Chilian Consul or Vice-Consul appointed to, and resident in, such possession; and if the vacancy be both of the Chilian judge and of the Chilian arbitrator, then the vacancy of the Chilian judge shall be filled by the Chilian Consul, and that of the Chilian arbitrator by the Chilian Vice-Consul, if there be a Chilian Consul and a Chilian Vice-Consul appointed to, and resident in, such possession; and in the case in which there be no Chilian Consul or Vice-Consul to fill the place of Chilian arbitrator, then the British arbitrator shall be called in those cases in which a Chilian arbitrator would be called in; and in case the vacancy be both of the Chilian judge and Chilian arbitrator, and there be neither

Majestad,—si la vacante fuere la del juez Británico, su puesto se llenará por el árbitro Británico; y en este caso, ó en el de que la vacante fuere orijinariamente la del árbitro Británico, este será reemplazado sucesivamente por el Gobernador ó Teniente-Gobernador residente en la expressada posesión, por el magistrado principal de la misma, y por el secretario del Gobierno; y el Tribunal, así constituido, entrará en el ejercicio de sus funciones, y procederá en consecuencia á juzgar todos los casos que se les presenten, y á pronunciar sentencia sobre ellos.

4º. Por parte de la Gran Bretaña, y en el Tribunal que actúe en el territorio de la República de Chile,—si la vacante fuere la del juez Británico, se llenará por el árbitro Británico; y en este caso, ó en el de que la vacante fuere orijinariamente la del árbitro Británico, este será reemplazado sucesivamente por el Cónsul Británico y por el Vice-Cónsul Británico, si hubiere Cónsul y Vice-Cónsul Británicos nombrados para el lugar en que actuare dicho Tribunal, y residentes en él; y en el caso de que la vacante fuere á un mismo tiempo del juez y del árbitro Británicos, la vacante de juez Británico se llenará por el Cónsul Británica, y la del árbitro Británico por el Vice-Cónsul Británico, si hubiere Cónsul y Vice-Cónsul Británicos nombrados para dicho lugar, y residentes en él; y si no hubiere Cónsul ni Vice-Cónsul Británicos para reemplazar al árbitro Británico, el árbitro Chileno será llamado en los casos en que el árbitro Británico sería llamado, si lo hubiese; y en caso de que la vacante fuere del juez y del árbitro Británicos á un mismo tiempo, y no hubiere Cónsul ni Vice-Cónsul Britá-

Chilian Consul nor Chilian Vice-Consul to fill, *ad interim*, the vacancies, then the British judge and British arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Courts of Justice shall sit, shall, in the event of a vacancy arising either of the judge or of the arbitrator of the other High Contracting Party, forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned Courts from death, or from any other cause whatever.

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The undersigned Plenipotentiaries have agreed, in conformity with Article XIII of the Treaty signed by them on this day, the nineteenth of January, 1839, that the preceding Regulations, consisting of nine Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

The nineteenth day of January, one thousand eight hundred and thirty-nine.

(L.S.) JOHN WALPOLE.  
(L.S.) JOAQUIN TOCORNAL.

nicos para reemplazarlos interinamente, entonces actuarán en juez y el árbitro Chilenos, y procederán en consecuencia á juzgar todos los casos que se les presenten, y á pronunciar sentencia sobre ellos.

Las mas alta autoridad civil de la posesion en que cualquiera de los Tribunales Mixtos residiere, cuando ocurra una vacante, sea de juez o de árbitro de la otra Alta Parte Contratante, lo participará inmediatamente á la mas alta autoridad civil de la posesion mas inmediata de dicha Alta Parte Contratante, para que se llene la vacante en el término mas corto posible. Y ambas Partes Contratantes convienen en llenar definitivamente, y tan pronto como ser pueda, las vacantes que por fallecimiento ó por cualquiera otra causa ocurran en los sobredichos Tribunales.

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Los infrascritos Plenipotenciarios han acordado, con arreglo al Artículo XIII del Tratado que han firmado hoy diez y nueve de Enero de mil ochocientos treinta y nueve, que el Reglamento presente, compuesto de nueve Artículos, correrá anexo á dicho Tratado, y será considerado parte integrante del mismo.

Enero diez y nueve, de mil ochocientos treinta y nueve.

(L.S.) JOAQUIN TOCORNAL.  
(L.S.) JOHN WALPOLE.

*Annex C to the Treaty between Great Britain and the Republic of Chile, for the Abolition of the Traffic in Slaves.*

*Adicion C al Tratado entre la República de Chile y Su Majestad la Reina del Reino Unido de la Gran Bretaña e Irlanda, para la Abolición del Tráfico de Esclavos.*

*Regulations for the good treatment of liberated Negroes.*

ARTICLE I. The object and spirit of these Regulations is to secure to Negroes liberated by virtue of the stipulations of the Treaty to which these Regulations form an Annex (marked C), permanent good treatment, and full and complete freedom, in conformity with the humane intentions of the High Contracting Parties.

ARTICLE II. Immediately after sentence of condemnation shall have been passed by a Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, on a vessel charged with being concerned in illegal Slave Trade, all Negroes who were on board such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government to whom belongs the cruiser which made the capture.

ARTICLE III. If the cruiser which made the capture is British, the British Government engages that the Negroes shall be treated in exact conformity with the laws in force in the British colonies, for the regulation of free or of emancipated Negroes.

ARTICLE IV. If the cruiser which made the capture is Chilian, then the Negroes shall be delivered over to the Chilian authorities of that place in the dominions of Chile, in which the Mixed Court of Justice is established; and the Chilian Government solemnly engages, that such Negroes

*Reglamento para el buen trato de los Negros emancipados.*

ARTICULO I. El objeto y espíritu de este Reglamento se encaminan á asegurar á los Negros emancipados en virtud de las estipulaciones del Tratado á que es Anexo (bajo la letra C), un buen trato permanente, y una entera y completa libertad, de conformidad con las intenciones benéficas de las Altas Partes Contratantes.

ARTICULO II. Inmediatamente después que el Tribunal Mixto establecido en virtud del Tratado á que va anexo este Reglamento, hubiere pronunciado sentencia condenando á una embarcación acusada de haber tomado parte en el Tráfico ilegal de Esclavos, todos los Negros que se hubieren hallado en dicha embarcación, y hayan sido conducidos á su bordo con el objeto de traficar en ellos, serán entregados al Gobierno á que pertenezca el crucero que haya hecho la presa.

ARTICULO III. Si es Británico el crucero que ha hecho la presa, el Gobierno Británico se obliga á que los Negros serán tratados en absoluta conformidad con las leyes vigentes en las colonias de la Gran Bretaña, con respecto á los Negros libres ó emancipados.

ARTICULO IV. Si fuere Chileno el crucero que ha hecho la presa, en este caso se entregarán los Negros á las autoridades Chilenas de aquel lugar de los dominios de Chile, en que se halle establecido el Tribunal Mixto; y el Gobierno Chileno se obliga solemnemente á que dichos Negros serán tratados

shall there be treated strictly according to the regulations actually in force in Chile with respect to free Negroes; or, according to such regulations as may in future be established in Chile in this respect, and which regulations shall always have in view the humane object of securing honestly and faithfully to emancipated Negroes, the unmolested enjoyment of their liberty, good treatment, a knowledge of the tenets of the Christian religion, advancement in morality and civilization, and sufficient instruction in the mechanical arts, in order that the said emancipated Negroes may be enabled to earn their own subsistence, whether as artisans, mechanics, or servants.

**ARTICLE V.** For the purpose which is explained in Article VI, there shall be kept in the office of the Governor of the part of the possessions of the Republic of Chile where the Mixed Court of Justice resides, a register of all emancipated Negroes, in which shall be entered, with scrupulous exactness, the names given to the Negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstances likely to contribute to the end in view.

**ARTICLE VI.** The register to which the preceding Article refers, will serve to form a general return, which the Governor of that part of the possessions of the Republic of Chile, where the Mixed Court of Justice resides, shall be bound to deliver, every six months, to the aforesaid Mixed Commission, in order to show the existence of the Negroes emancipated under this Treaty, the improvement made in their condition, and the progress made in their religious and moral

ali con estricta sajecion á las leyes y reglamentos vijentes en Chile con respecto á los Negros libres; ó en conformidad con las leyes y reglamentos que en adelante se establecieren en Chile sobre esta materia; las cuales leyes y reglamentos tendrán siempre el beneficio objeto de asegurar franca y lealmente á los Negros emancipados el goce de la libertad adquirida, exento de toda molestia, el buen trato, el conocimiento de los dogmas de la religion Cristiana, su adelantamiento en la moral y la civilizacion, y la instruccion suficiente en los oficios mecanicos, para que dichos Negros emancipados se hallen en estado de mantenerse por si mismos, como artesanos, menestrales, ó criados domésticos.

**ARTICULO V.** Con el fin que se explica en el Articulo VI, se llevará en la secretaria del Gobernador de aquella parte de la República de Chile en que residiere el Tribunal Mixto, un rejistro de todos los Negros emancipados, en que escribirán, con exactitud escrupulosa, los nombres que se hayan puesto á los Negros, los nombres de las embarcaciones en que hayan sido apresados, los de las personas á cuyo cuidado se encomendaren, y cualesquiera otras circunstancias que contribuyan al fin propuesto.

**ARTICULO VI.** El rejistro á que se refiere el precedente Articulo, servirá para formar un estado jeneral, que el Gobierno de aquella parte de la República de Chile en que resida el Tribunal Mixto, será obligado á entregar cada seis meses al mencionado Tribunal Mixto, con el objeto ce hacer constar la existencia de los Negros que, en virtud de este Tratado, se emanciparen, las mejoras de su condicion, y los progresos de su enseñanza religiosa, moral, e industrial.

instruction, and in the arts of life. The aforesaid return shall also specify the names and descriptions of such of the emancipated Negroes as shall have died during the period for which the return is made up.

ARTICLE VII. The High Contracting Parties agree, that if in future it should appear necessary to adopt new measures, in consequence of those laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together, and will agree upon other means better adapted for the complete attainment of the objects proposed.

ARTICLE VIII. The undersigned Plenipotentiaries have agreed, in conformity with Article XIV of the Treaty signed by them on this day, the 19th of January, 1839, that this Annex, consisting of eight Articles, shall be united to the said Treaty, and be considered an integral part thereof.

The nineteenth day of January, one thousand eight hundred and thirty-nine.

(L.S.) JOHN WALPOLE.  
(L.S.) JOAQUIN TOCORNAL.

Dicho especificará así mismo los nombres y descripciones de los Negros emancipados que hayan fallecido durante el periodo á que corresponde el estado.

ARTICULO VII. Las Altas Partes Contratantes acuerdan que si en adelante pareciere necesario adoptar nuevas medidas por haber resultado ineficaces las que en esta Adicion van mencionadas, consultarán entre si, y de comun acuerdo establecerán otros medios mas á proposito para el completo logro de los fines que se proponen.

ARTICULO VIII. Los infrascritos Plenipotenciarios han acordado, de conformidad con el Artículo XIV del Tratado que han firmado el dia de hoy, diez y nueve de Enero de mil ochocientos treinta y nueve, que la presente Adicion, compuesta de ocho Articulos, correrá anexa á dicho Tratado, y será considerada como parte integrante del mismo.

Enero diez y nueve, de mil ochocientos treinta y nueve.

(L.S.) JOAQUIN TOCORNAL.  
(L.S.) JOHN WALPOLE.

#### ARTICLES ADDITIONAL

*to the Treaty concluded this nineteenth day of January, 1839, between Her Britannic Majesty and the Republic of Chile, for the Suppression of the Slave Trade.*

ARTICLE I. It is agreed and understood, that if there should be any delay in appointing the judge and the arbitrator to be nominated on the part of the Republic of Chile, to act in each of the Mixed Courts of Justice to be established

#### ARTICULOS ADICIONALES

*al Tratado entre la República de Chile y Su Majestad la Reina del Reino Unido de la Gran Bretaña e Irlanda, para la Abolición del Tráfico de Esclavos.*

ARTICULO I. Queda acordado y entendido, que si hubiere alguna demora en el nombramiento del juez y del árbitro que por parte de la República de Chile han de ser destinados á actuar en cada uno de los Tribunales Mixtos de Justicia,

under this Treaty; or if those officers, after being appointed, should at any time be absent; then and in either of such cases, the judge and arbitrator appointed on the part of Her Britannic Majesty, and present in the said Courts, shall, in the absence of the Chilian judge and arbitrator, proceed to open the said Courts, and to adjudge such cases as may be brought before them under the Treaty; and the sentence pronounced upon such cases by the said British judge and arbitrator, shall have the same force and validity as if the judge and the arbitrator on the part of Chile had been appointed, and had been present and acting in the Mixed Courts in the cases in question.

**ARTICLE II.** It is also agreed, notwithstanding the provisions of the First Article of the Annex B, that so long as no Chilian judge and arbitrator are nominated, it will be unnecessary for the Republic of Chile to nominate the secretary or actuary mentioned in the said Article; that in the meanwhile the secretary or actuary of the Court which may exist within the territory of the Republic of Chile, shall be named and paid by the Government of Her Britannic Majesty; and that the entire expense of both the Courts to be established under this Treaty shall be borne by the Government of Her Britannic Majesty.

The present Additional Articles shall form an integral part of the Treaty for the Suppression of Slave Trade, signed this day; and shall have the same force and validity as if they were inserted, word for word, in that Treaty, and shall be ratified within twelve months, or sooner if possible.

que deben establecerse tanconfiabilidad con este Tratado, si dichos empleados, después de su nombramiento, se hallaren ausentes; en uno u otro de estos países, y en cualquier tiempo que esto suceda, el juez y el árbitro nombrados por parte de Su Majestad Británica, y presentes en dichos Tribunales, procederán, en ausencia del juez ó árbitro Chileno, á abrir dichos Tribunales, y á juzgar los casos que, de conformidad con el Tratado, se les presenten; y que la sentencia pronunciada en tales casos por los dichos juez y árbitro Británicos, tendrá la misma fuerza y valor que si el juez y el árbitro Chileno hubiesen sido nombrados, y se hallasen presentes y actuasen en los Tribunales Mixtos en los referidos casos.

**ARTICULO II.** Queda tambien acordado que, no obstante las estipulaciones del Articulo I de la Adicion B, mientras no se nombraren el juez y árbitro Chilenos, no será necesario que la República de Chile nombre el secretario ó actuaria que en dicho Articulo se menciona; que entretanto el secretario ó actuaria del Tribunal que exista en el territorio de la República de Chile, será nombrado y pagado por el Gobierno de Su Majestad Británica; y que todos los gastos de los dos Tribunales que se establezcan en virtud de este Tratado, serán á cargo del Gobierno de Su Majestad Británica.

Los presentes Articulos Adicionales formarán parte integrante del Tratado para la Abolición del Tráfico de Esclavos, firmado el dia de hoy; y tendrán la misma fuerza y valor que si se hallasen insertos en él, palabra por palabra, y serán ratificados en el término de doce meses, ó antes si fuere posible.

Done at Santiago de Chile, this nineteenth day of January, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) JOHN WALPOLE.

(L.S.) JOAQUIN TOCORNAL.

Fechos en la ciudad de Santiago, á diez y nueve dias del mes de Enero, del año de nuestro Señor mil ochocientos treinta y nueve.

(L.S.) JOAQUIN TOCORNAL.

(L.S.) JOHN WALPOLE.

*Convention Additional to and Explanatory of the Treaty concluded at Santiago, January 19, 1839, between Her Majesty and the Republic of Chile, for the abolition of the Traffic in Slaves. Signed at Santiago, August 7, 1841.*

*Ratifications exchanged at Santiago, August 6, 1842.*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the Republic of Chile, animated always with the most lively desire to co-operate for the abolition of the Traffic in Slaves in all parts of the world, and to avoid renewed delays in the fulfilment of the obligations which they had mutually resolved to impose on themselves by the Treaty signed on the nineteenth of January, 1839, which unhappily could not be carried into effect, the ratifications not having been exchanged within the period therein stipulated; have agreed to proceed to the celebration of a Convention which may give full force and vigour, in all which shall not be expressly altered by it, to the stipulations contained in the said Treaty. For this purpose they have named for their Plenipotentiaries, to wit:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable John Walpole, Her Britannic Majesty's Consul-General in the Republic of Chile; and the Republic of Chile, Don Ramon Luis Yrarrázaval, Minister of State for the Depart-

El Presidente de la República de Chile, y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, animados siempre del mas vivo deseo de cooperar á la abolicion del Tráfico de Esclavos en todas las partes del mundo, y de evitar nuevas demoras en el cumplimiento de las obligaciones que mutuamente habian resuelto imponerse por el Tratado de diez y nueve de Enero, de mil ochocientos treinta y nueve, que desgraciadamente no pudo llevarse á efecto por no haberse canjeado las ratificaciones dentro del plazo estipulado en él; han resuelto proceder al ajuste de una Convención que dé plena fuerza y valor, en todo lo que no fuere alterado expresamente por ella, á las estipulaciones contenidas en el dicho Tratado. A este efecto han nombrado por sus Plenipotenciarios, á saber:—

La República de Chile, á Don Ramon Luis Yrarrázaval, Ministro del Despacho en los Departamentos del Interior y Relaciones Exteriores; y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, al Honorable Señor Juan Walpole, Consul-Jeneral de

ments of the Interior and Foreign Relations ; who, having mutually communicated their full powers, and found them in due form, have arranged and agreed to the following Articles :

ARTICLE I. The two High Contracting Parties recognise as valid and existing, all the obligations which it was their intention respectively to contract by all and each of the Articles of the Treaty of the nineteenth of January, 1839, to co-operate for the effectual and complete abolition of the Slave Trade, and by all and each of the Articles of the Annexes marked A, B, and C, and by the two Separate Additional Articles, which, as therein stipulated, ought and are to be considered as integral parts of the above-mentioned Treaty ; all in the same manner as if the above-mentioned Treaty formed an integral part of the present Convention, and was inserted word for word in it ; saving, however, the exceptions and modifications which are hereafter expressed.

ARTICLE II. The power which by the Articles IV and V of the above-mentioned Treaty of the nineteenth of January, 1839, is conceded to the vessels of the navies of the two nations which shall be employed in impeding the Traffic in Slaves, to visit the merchant vessels of both, which may be found in the case indicated in Article IV, already referred to, and, in order that, in consequence of the visit, they may proceed with respect to the vessels and their cargo in accordance with the Instructions in Annex A ; shall not be understood as yielded unless to be exercised solely and exclusively in the places which are hereafter expressed ; that is to say :

1st. Along the western coast

Su Majestad Británica en la República de Chile ; los cuales, habiéndose comunicado mutuamente sus plenos poderes, y halládolos en debida forma, han ajustado y acordado los siguientes Artículos :

ARTICULO I. Las dos Altas Partes Contratantes reconocen como válidas y subsistentes, todas las obligaciones que respectivamente fué su ánimo imponerse por todos y cada uno de los Artículos del Tratado de diez y nueve de Enero, de mil ochocientos treinta y nueve, para cooperar á la efectiva y completa abolición del Comercio de Esclavos, y por todos y cada uno de los Artículos de las Adiciones marcadas con las letras A, B, y C, y por los dos Artículos Adicionales separados, que segun lo allí estipulado, debían y deben considerarse como partes integrantes del sobredicho Tratado ; todo de la misma manera que si el sobredicho Tratado formase parte integrante de la presente Convención, y estuviese inserto en ella, palabra por palabra ; salvas empero las excepciones y modificaciones que van á expresarse.

ARTICULO II. La facultad que por los Artículos IV y V del sobredicho Tratado de diez y nueve de Enero, de mil ochocientos treinta y nueve, se concede á los buques de las armadas de las dos naciones que se emplearen en impedir el Tráfico de Esclavos, para que visiten las embarcaciones mercantes de ambas, que se hallaren en el caso indicado en el referido Artículo IV, y para que, á consecuencia de la visita, procedan respecto de las embarcaciones y su carga con arreglo á las Instrucciones de la Adición A ; no se entenderá concedida sino para que se ejerçite sola y exclusivamente en los lugares que van á expresarse ; a saber :

1º. A lo largo de la costa occi-

of Africa, from the fortieth degree of south latitude to the twenty-fifth degree of north latitude, and to the twenty-seventh degree of west longitude, calculated from the meridian of Greenwich.

2nd. All round the Island of Madagascar, to the extent of twenty leagues from that Island.

3rd. The same distance from the coasts of the Island of Cuba.

4th. The same distance from the coasts of the Island of Puerto Rico ; and

5th. The same distance from the coasts of Brazil.

Nevertheless, if a vessel, of which suspicion should be entertained, and which should have been chased whilst within the assigned limits, should succeed in passing them, it may be searched, provided that it has not been lost sight of during the chase.

ARTICLE III. The before-mentioned Treaty, and the present Convention, shall be respectively ratified by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and by the President of the Republic of Chile; and the ratifications of both shall be exchanged within one year, reckoned from the date of the present Convention, or sooner if possible.

In faith of which the respective Plenipotentiaries have signed three copies of the present Convention, in the English language, and other three in the Spanish language, and have sealed them with their arms.

Done in the city of Santiago, the seventh day of August, in the year of our Lord one thousand eight hundred and forty-one.

(L.S.) JOHN WALPOLE.  
(L.S.) RAMON LUIS YRARAZAVAL.

dental de Africa, desde los cuarenta grados de latitud sur, hasta los veinte y cinco de latitud norte, y hasta los veinte y siete de longitud occidental, contados desde el meridiano de Greenwich.

2º. Al rededor de la Isla Madagascar, en una zona de veinte leguas de anchura.

3º. A la misma distancia de las costas de la Isla de Cuba.

4º. A la misma distancia de las costas de la Isla Puertorrico ; y

5º. A la misma distancia de las costas del Brasil.

No obstante, si un buque de que se tuviesen sospechas, y que hubiere sido perseguido dentro de los limites asignados, lograse salir de ellos, podrá ser visitado, con tal que no se le haya perdido de vista durante la persecución.

ARTICULO III. El antedicho Tratado, y la presente Convención, serán respectivamente ratificados por el Presidente de la República de Chile, y por Su Majestad la Reina del Reino Unido de la Gran Bretaña e Irlanda ; y las ratificaciones de ambos serán canjeadas dentro de un año, contado desde la fecha de la presente Convención, ó antes si posible fuere.

En fé de lo cual los respectivos Plenipotenciarios han firmado tres ejemplares en lengua Castellana, de la presente Convención, y otros tres en lengua Inglesa, y los han sellado con sus armas.

Fecha en la ciudad de Santiago, á siete días del mes de Agosto, del año de nuestro Señor mil ochocientos cuarenta y uno.

(L.S.) RAMON LUIS YRARAZAVAL.  
(L.S.) JOHN WALPOLE.

### 13. VENEZUELA.

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**SPECIAL ORDER.**

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*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS a Treaty between Great Britain and Venezuela, for the Suppression of the Traffic in Slaves, was signed at Caracas on the 15th of March, 1839; and Instructions for Cruizers were annexed thereto; and declared to form an integral part thereof; and the Ratifications of the same were exchanged at Caracas on the 12th of December, 1839; and whereas the High Contracting Parties mutually agreed thereby, that ships of war of both countries, respectively furnished with the Instructions annexed to the Treaty, might search and send in for trial, vessels suspected of the illegal Traffic in Slaves: and whereas we think fit that Her Majesty's ship under your command should be one of those authorized to act under the Treaty,—

We furnish you with a copy of the said Treaty and of its Annex, and you are hereby expressly authorized, empowered, and ordered, to act in the suppression of the Traffic in Slaves according to the said Treaty.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To  
*Commander of Her Majesty's ship*

By command of their Lordships,  
**SIDNEY HERBERT.**

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*Treaty between Her Majesty and the Republic of Venezuela, for the abolition of the Slave Trade. Signed at Caracas, March 15, 1839.*

Treaty on the abolition of the Traffic in Slaves, concluded between Her Majesty the Queen of Great Britain and Ireland and the Republic of Venezuela.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Venezuela, being mutually ani-

Tratado sobre abolición del Tráfico de Esclavos, concluido entre la República de Venezuela y Su Majestad la Reyna de la Gran Bretaña e Irlanda.

La República de Venezuela, y Su Majestad la Reyna del Reino Unido de la Gran Bretaña e Irlanda, mutuamente animadas del

mated by a sincere desire to co-operate for the complete extinction of the Traffic in Slaves in all parts of the world, have resolved to proceed to the conclusion of a Treaty for the special purpose of immediately attaining this object, so far as relates to the total and final abolition of this barbarous traffic, and therefore have named, for this object, as their respective Plenipotentiaries, to wit: Her Britannic Majesty, Sir Robert Ker Porter, Knight, and Knight Commander of the Royal Hanoverian Guelphic Order, Her Majesty's Chargé d'Affaires in Caracas; and the Republic of Venezuela, Señor Jose Santiago Rodriguez, Judge and Attorney-General of the Supreme Court of Justice; who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon and concluded the following Articles:—

**ARTICLE I.** Great Britain and the Republic of Venezuela declare the Traffic in Slaves abolished for ever. And in order to avoid any doubts that may hereafter occur from any circumstances proving prejudicial to the interests of commerce and navigation, for want of a proper explanation of the real spirit of the phrase "Traffic in Slaves,"—do here mutually declare to be understood by such traffic, such only which is carried on in Negroes brought from Africa, in order to transport them to other parts of the world for sale; but in no manner whatever the conveying from one port or place to another belonging to the Republic, the Slaves existing within it, be such undertaken, either with the object of selling them, or with any other not prohibited by the laws.

**ARTICLE II.** The Republic of Venezuela agrees to preserve in

sincero deseo de co-operar á la completa extincion del Tráfico de Esclavos en todos las partes del mundo, han resuelto proceder á la conclusion de un Tratado con el fin especial de obtener inmediatamente su resultado, en todo lo que concierne á la final abolicion de este barbero comercio, y al efecto han nombrado como Plenipotenciarios: la República de Venezuela, al Señor Jose Santiago Rodriguez, Ministro Fiscal de la Corte Suprema de Justicia; y Su Majestad Britanica, á Sir Robert Ker Porter, Caballero, y Caballero Comendador de la Real Orden Hanoveriana de Guelph, y su Encargado de Negocios en Caracas; quienes, habiendo comunicado reciprocamente sus plenos poderes, y halladolos en debida forma, han acordado, convenido, y concluido los Artículos siguientes:—

**ARTICULO I.** La República de Venezuela y la Gran Bretaña declaran para siempre abolido el Tráfico de Esclavos. Y para evitar dudas que puedan ocasionar despues algunos procedimientos perjudiciales á los intereses del comercio y navegacion, por la falta de inteligencia de la frase "Tráfico de Esclavos,"—declaran igualmente que se entiende por dicho tráfico, aquel que se hace con los Negros que se extraen de Africa para trasportarlos á otros puntos del mundo como objeto de venta; y de ninguna manera el trasporte de un punto á otro de la República, de los Esclavos existentes en ella, bien se verifique con el objeto de venta, ó con algun otro no prohibido por sus leyes.

**ARTICULO II.** La República de Venezuela se compromete á con-

force the provisions of the Law of the 18th February, 1825, the object of which is, to declare as pirates, and punish, with the pain of death, all such Venezuelans who, on the high seas, or in any other place under the jurisdiction of the Republic, may be found embarking, transporting, or disembarking, one or more persons brought from Africa as Slaves.

**ARTICLE III.** Although the law just cited has produced the desired effect, in not having been infringed by any Venezuelans up to this time, Venezuela, notwithstanding, will promulgate every other legislative provision that may be deemed requisite for the prevention of Her citizens engaging in any way in the said Traffic in Slaves, and for the complete extinction thereof, seeing that the same are in harmony with those which may be promulgated by Great Britain for the like object.

**ARTICLE IV.** Her Majesty the Queen of Great Britain and Ireland, and the Republic of Venezuela, mutually engage to specify, by an Additional Convention hereafter to be concluded between the Contracting Parties, the acts which constitute piracy, in which will be comprehended the Traffic in Slaves; and that, after the conclusion of such Convention, the Legislative Power of each country shall promulgate, with as little delay as possible, laws for the punishment of said acts committed by the respective subjects or citizens of either nation.

**ARTICLE V.** In order more effectually to prevent all infringement of the present Treaty, the Contracting Parties mutually agree, that the ships of war of their respective nations, which are furnished with the special Instructions as will be hereinafter men-

servar vigentes las disposiciones de la Ley de 18º de Febrero, de 1825, que tienen por objeto declarar piratas, y castigar con la pena de muerte, á los Venezolanos que, en alta mar, ó en cualquiera de los puntos que estan bajo la jurisdiccion de la Republica, se encuentren embarcando, trasportando, ó desembarcando, una ó mas personas extraidas de Africa en clase de Esclavos.

**ARTICULO III.** Aunque la citada ley ha producido el efecto deseado, supuesto que hasta ahora no ha sido infringida por ningun Venezolano, sin embargo Venezuela dictará todas las demas disposiciones legislativas que crea conducentes á impedir que sus ciudadanos incurran de algun modo en el dicho Tráfico de Esclavos, y á la completa extincion de él, procurando entonces que esten en armonia con las que, sobre el mismo objeto, hubiere dictado la Gran Bretaña.

**ARTICULO IV.** La Republica de Venezuela y la Gran Bretaña se comprometen á detallar, por una Convencion Adicional que deberá celebrarse por ambas Partes Contratantes, los actos que constituyan la pirateria, comprendiendo el Tráfico de Esclavos; debiendo, despues de celebrada dicha Convencion, dictar la Potestad Legislativa de ambos paises, lo mas pronto posible, leyes que castiguen dichos actos respecto de los subditos ó ciudadanos de cada uno.

**ARTICULO V.** Con el objeto de impedir eficazmente cualquiera infraccion de este Tratado, ambas Partes Contratantes convienen en que los buques de guerra de las respectivas naciones, que esten provistos de las especiales Instrucciones que adelante se expresarán,

tioned, may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of being engaged in the Traffic in Slaves; provided that such be done only within the waters hereinafter expressed, namely:—

1st. Along the western coast of Africa, from Cape Verd to the distance of ten degrees to the south of the equator; that is to say, from the 10th degree of south latitude to the 15th degree of north latitude, and as far as the 40th degree of east longitude, reckoning from the meridian of Caracas.

2nd. All round the Island of Madagascar, to the extent of twenty leagues from that island.

3rd. The same distance from the coasts of the Island of Cuba.

4th. The same distance from the coasts of the Island of Puerto Rico; and

5th. The same distance from the coasts of Brazil.

It is however understood, that a suspected vessel descried, and begun to be chased by the cruizers, whilst within the said space of twenty leagues, may be searched by them beyond those limits, if, without ever having lost sight of her, they should only succeed in coming up with her at a greater distance from the coast.

**ARTICLE VI.** The cruizers may detain vessels trafficking in Slaves, be it that they have been fitted out with this object, or that, during the voyage on which they are met with, they may have been employed in the before-mentioned traffic, in contravention of what is stipulated in the present Treaty; and may send or conduct them to those places where they may be brought before the proper tribunals that take cognizance of piracy, according to the laws of the respective countries. It is not by

puedan visitar los buques mercantes de ambas naciones que infundan justas sospechas de que se ocupan en el Tráfico de Esclavos, con tal de que esto se haga solamente en los lugares que se van á expresar, á saber:—

1º. A lo largo de la costa occidental de Africa, desde el Cabo Verde hasta los 10 grados de latitud sur; es decir, del 10º grado de latitud meridional al 15º de latitud septentrional, y hasta los 40 grados de longitud oriental, contados desde el meridiano de Caracas.

2º. Al rededor de la Isla de Madagascar, en una zona de veinte leguas de anchura.

3º. A la misma distancia de las costas de la Isla de Cuba.

4º. A la misma distancia de las costas de la Isla de Puerto Rico; y

5º. A la misma distancia de las costas del Brasil.

No obstante, si un buque sospechado, y perseguido dentro de los limites asignados, lograre salir de ellos, podrá ser visitado, con tal que no se haya perdido de vista durante la persecucion.

**ARTICULO VI.** Los cruceros podrán detener los buques que trafiquen con Esclavos, bien sea que hayan sido armados con este objeto, ó bien que durante el viaje en que se encuentren se hayan empleado en el mencionado tráfico, contraviniendo á lo estipulado en este Tratado; y enviarlos ó conducirlos, para que puedan ser sometidos á juicio ante los tribunales que conocan de la piratería, con arreglo á las leyes de los respectivos países. No se entenderá por esto que Venezuela queda obli-

this to be understood, that Venezuela is obliged to fit out cruisers expressly to aid in the pursuit of vessels engaged in the Traffic in Slaves.

**ARTICLE VII.** In order to regulate the mode of carrying into effect the provisions of the two preceding Articles, the Contracting Parties have agreed:—

1st. That all ships of the navies of the two nations, which shall be hereafter employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy of the present Treaty, in the English and Spanish languages; and also of the Instructions for Cruisers annexed thereto, which Annex shall be considered as an integral part of this Treaty.

2nd. That Great Britain shall communicate from time to time to Venezuela, the names of the several ships furnished with such Instructions, the force of each, and the names of their respective commanders, and the same will be done by Venezuela towards Great Britain, whenever cruisers on her part shall be established with the like object.

3rd. That if, at any time, there shall be just cause to suspect that any merchant vessel under the flag, and proceeding under convoy of any ship or ships of war, of either of the Contracting Parties, is engaged, or intended to be engaged, in the Traffic in Slaves, or is fitted out for that purpose, or was, during the voyage in which she may be met with, engaged in the Traffic in Slaves,—it shall be lawful for the commander of any ship of the navy of either of the two Contracting Parties to visit the said merchant vessel, provided such be done within the limits specified in Article V of this Treaty; and such commander shall proceed to effect

gada á anmar cruceros expresamente para perseguir el Tráfico de Esclavos.

**ARTICULO VII.** Con el fin de arreglar al modo de llevar á efecto lo convenido en los dos Artículos anteriores, las Partes Contratantes han estipulado:—

1º. Que todos los buques de guerra de ambas naciones que de hoy en adelante se emplearen en evitar el Tráfico de Esclavos, deberán estar provistos por sus respectivos Gobiernos de una copia del presente Tratado en los idiomas Español é Ingles; y de otra de las Instrucciones de Cruceros anexas á él, las que deberán considerarse como parte integrante del mismo Tratado.

2º. Que la Gran Bretaña comunicará de cuando en cuando á Venezuela, los nombres de los buques provistos de tales instrucciones, la fuerza de cada uno, y el nombre de sus respectivos comandantes; y que lo mismo hará Venezuela para con la Gran Bretaña, si alguna vez estableciere cruceros con aquel objeto.

3º. Que si alguna ocasión hubiere justos motivos para sospechar que algun buque mercante con la bandera, y bajo el convoy de buque ó buques de guerra de alguna de las Partes Contratantes, se ocupa, ó pretende ocuparse, en el Tráfico de Esclavos, ó que se halla armado con este intento, ó que, durante el viaje en que se ha encontrado, ha estado empleado en el Comercio de Esclavos,—será permitido al comandante de cualquier buque de guerra de una de las Partes Contratantes visitar el dicho buque mercante, siempre que se encuentre dentro de los límites señalados en el Artículo V de este Tratado; y tal comandante deberá

the same in communication with the commanding officer of the convoy, who, it is hereby agreed, shall give every facility to such visit, and to the eventual detention of such vessel, and in all things shall assist to the utmost of his power, in the due execution of the present Treaty.

4th. It is further mutually agreed that the commanders of the ships of the two navies, who shall be employed on this service, shall adhere strictly to the exact tenour of the aforesaid Instructions annexed to this Treaty.

**ARTICLE VIII.** The Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur by the arbitrary or illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention; agreeing likewise, that the visit and detention of vessels specified in Articles V and VI of this Treaty, can only be executed by British and Venezuelan ships of war, and by those only which are furnished with the special Instructions annexed to the present Treaty for its complete execution.

**ARTICLE IX.** In case the commanding officer of any of the ships of the navies of Great Britain and of Venezuela respectively, duly commissioned according to the provisions in the Articles V and VII of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and, in such case, the Government to which such commanding officer may belong, binds itself to cause

ejecutarlo así, poniéndose de acuerdo con él del convoy, el cual facilitará esta visita, y la detención del buque mercante si llegare a efectuarse, propendiendo en todos los casos, y con todo su poder, a la debida ejecución de este Tratado.

4º. Que los comandantes de los buques de ambas naciones que sean empleados en este servicio, se sujetarán estrictamente al texto de las antedichas Instrucciones anexas a este Tratado.

**ARTICULO VIII.** Las dos Partes Contratantes se comprometen a indemnizar todos los daños que puedan sufrir sus respectivos ciudadanos ó subditos por la arbitraría e ilegal detención de sus buques; bien entendido que este resarcimiento lo sufrirá invariablemente el Gobierno cuyo crucero haya sido culpable de tal detención arbitaria; conviniendo también en que la visita y detención de buques especificadas en los Artículos V y VI de este Tratado, solo podrán ser ejecutadas por los buques de guerra Venezolanos ó Británicos, y cuando se encuentren provistos de las especiales Instrucciones anexas al presente Tratado para su completa ejecución.

**ARTICULO IX.** En el caso de que algún comandante de buque de guerra de Venezuela ó de la Gran Bretaña, debidamente autorizado según lo convenido en los Artículos V y VI de este Tratado, se desvie de las estipulaciones contenidas en él, ó de las Instrucciones anexas, el Gobierno que por esto se creyere ofendido, tendrá derecho a exigir reparación; y en este caso, el Gobierno a que dicho comandante pertenezca, queda obligado a hacer las debidas averiguaciones sobre el motivo de la queja, y a imponer a dicho oficial

inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportionate to the transgression committed.

ARTICLE X. It is hereby further agreed, that every merchant vessel, British or Venezuelan, which shall be visited, by virtue of what is expressed in the Vth and VIth Articles of the present Treaty, may lawfully be detained, and sent or brought before the corresponding tribunal of the nation to which she belongs, if, in her equipment, there shall be found any of the things hereafter mentioned, namely:

1st. Hatches, with open gratings, instead of the close hatches which are usual in merchant vessels.

2nd. Divisions or bulkheads in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

3rd. Spare planks, fitted for laying down as a second or slave-deck.

4th. Shackles, bolts, and hand-cuffs.

5th. A larger quantity of water in casks, or in tanks, than is requisite for the consumption of a crew of the vessel as a merchant vessel.

6th. An extraordinary number of water casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel, that such extra quantity of casks, or other vessels, should only be used to hold palm oil, or for other purposes of lawful commerce.

un castigo proporcionado á la ofensa.

ARTICULO X. Se conviene ademas en que todo buque mercante, Venezolano ó Britanico, que sea visitado en virtud de lo expresado en los Articulos V y VI del presente Tratado, pueda ser legalmente detenido, y remitido ó conducido á la presencia del tribunal correspondiente, segun la nacion á que pertenezca, si en su aparejo se encontraren cualesquiera de los objetos siguientes:

1º. Cuarteles ó escotillas abiertas con enrejado, en lugar de las escotillas cerradas que se usan en los buques mercantes.

2º. Separaciones ó divisiones en la bodega ó sobre cubierta, en numero mayor del necesario para los buques que se emplean en licito comercio.

3º. Tablones de repuesto, ó posticos, preparados para formar una segunda cubierta, ó entrepuente para Esclavos.

4º. Cadenas, grillos, y esposas.

5º. Una cantidad de agua en vasijas ó cubas, mayor que la necesaria para el consumo de la tripulacion del buque registrado, en su calidad de buque mercante.

6º. Un numero extraordinario de toneles para aguada, ó de cualesquiera otros vasos propios para contener liquidos, á menos que el maestre produzca una certificacion de la aduana que le despachó, en la que se exprese que los dueños del buque han otorgado la fianza suficiente para que la mencionada superabundante cantidad de toneles se emplee solamente en envasar aceite de palma, ó en cualquier otro objeto de licito comercio.

7th. A greater quantity of mess tubs or kids than are requisite for the use of the crew of the vessel, as a merchant vessel.

8th. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel, as a merchant vessel; or more than one boiler of the ordinary size.

9th. An extraordinary quantity either of rice, of the flour of Brazil, of manioc or casava, commonly called farinha, of maize, or of Indian corn, beyond what might probably be requisite for the use of the crew: such rice, flour, maize, or Indian corn, not being entered on the manifest as part of the cargo for trade.

Any one or more of these several circumstances, if proved, shall be considered as indications *prima facie* of the actual employment of the vessel in the Slave Trade; and will serve, therefore, to condemn and declare her a lawful prize, unless it be established by satisfactory evidence on the part of the master or owners, that the vessel, at the time of her detention, was employed in some legal pursuit.

ARTICLE XI. If in any merchant vessel shall be found any of the things specified in the preceding Article, the master or owner, or whatever other person interested in her equipment or cargo, shall not have any right to claim a compensation for losses, damages, or expenses, in consequence of the detention, although the tribunal which passes judgment may not have pronounced sentence of condemnation; unless it be clearly proved that the objects which occasioned said detention, were not on board for the Slave Trade; in which case, the

7º. Una cantidad de calderas ó vasijas para el rancho, mayor de la que se requiere para el uso de la tripulacion del buque registrado, en su calidad de buque mercante.

8º. Un caldero de un tamano extraordinario, y de magnitud mayor que la que se requiere para el uso de la tripulacion del buque registrado, en su calidad de buque mercante; ó mas de un caldero de tamano ordinario.

9º. Una cantidad extraordinaria de arroz, de harina del Brasil, manioque, ó casave, comunmente llamado harina de maiz, que excede lo que probablemente pueda ser consumido por la tripulacion; siempre que el arroz, harina, ó maiz, no aparezcan designados en el manifiesto como parte del cargamento para negociar.

Alguna ó algunas de estas circunstancias, que se prueben, se consideraran como indicios *prima facie* de que el buque se ocupa en el Comercio de Negros, y servirá para condenarle y declararle buena presa, si no se probare satisfactoriamente por parte del maestre ó de los propietarios, que el buque se ocupaba, al tiempo de su detencion, en licitas operaciones.

ARTICULO XI. Si en algun buque mercante llegaren á encontrarse alguno ó algunos de los objetos especificados en el Artículo anterior, el dueño ó maestre, ó cualquiera otra persona interesada en su equipo ó carga, no tendrá derecho á reclamar daños y perjuicios, aunque el tribunal que le juzgue no lo haya condenado: á menos que se pruebe plenamente que los objetos que ocasionaron la detencion no estaban á bordo para servir al Tráfico de Esclavos: pues en este caso, el apresador, y por su falta, el Gobierno á que pertenezca, será responsable al

captor, and, in his default, the Government to which he belongs, shall be responsible to the master or owner of the vessel for the losses and damages in question.

**ARTICLE XII.** It is agreed between the two Contracting Parties, that in all cases in which a vessel shall be detained, under this Treaty, by their respective cruizers as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall be adjudged and condemned accordingly, the vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

**ARTICLE XIII.** It is mutually agreed upon, that the act or instrument annexed to this Treaty, shall form an integral part thereof, entitled as follows :—

"Instructions for the ships of war, British and Venezuelan, which the respective Governments may please to destine for the prevention of the Traffic in Slaves."

**ARTICLE XIV.** The present Treaty, consisting of fourteen Articles, shall be ratified, and the ratifications thereof exchanged in Caracas, within the space of twelve months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed in duplicate, originals, English and Spanish, of the present Treaty, and have affixed their respective seals.

Done in Caracas, this fifteenth day of March, in the year of our Lord one thousand eight hundred thirty-nine.

ROBT. KER PORTER.

maestre ó dueño del buque detenido, por tales daños y perjuicios.

**ARTICULO XII.** Se conviene entre ambas Partes Contratantes, que en todos los casos en que un buque sea detenido á virtud de este Tratado, por sus respectivos cruceros, por haberse empleado en el Tráfico de Esclavos, ó por estar armado al intento, y sea en consecuencia juzgado y condenado; tal buque, inmediatamente después de su condenación, será completamente reducido á pedazos, y vendido por partes así separadas.

**ARTICULO XIII.** Se ha convenido, que forme parte integrante de este Tratado el instrumento anexo en calidad de apéndice, bajo el título de,

"Instrucciones para los buques de guerra Venezolanos y Británicos, que tuvieran á bien destinarse los respectivos Gobiernos á impedir el Tráfico de Esclavos."

**ARTICULO XIV.** El presente Tratado, que contiene catorce Artículos, será ratificado, y las ratificaciones canjeadas en Caracas, en el término de doce meses, ó antes si fuere posible.

En testimonio de lo cual los respectivos Plenipotenciarios han firmado en duplicado, originales en Espaniol y en Ingles, el presente Tratado, y han estampado sus respectivos sellos.

Hecho en Caracas, á quince de Marzo, del año de nuestro Señor de mil ochocientos treinta y nueve.

JOSÉ SANTIAGO RODRIGUEZ.

*Annex to the Treaty between Great Britain and the Republic of Venezuela for the abolition of the Traffic in Slaves.*

*Instructions for the ships of war, British and Venezuelan, which the respective Governments may please to destine for the prevention of the Traffic in Slaves.*

**ARTICLE I.** The commander of any ship of war belonging to Her Britannic Majesty, or to the Republic of Venezuela, which shall be furnished with these Instructions, shall have a right to visit, search, and detain, any British or Venezuelan merchant vessel which shall be engaged, or suspended to be engaged, in the Slave Trade, or to be fitted out for the purpose thereof, or to have been engaged in the Traffic in Slaves during the voyage in which she may be met with by such ship of the British or Venezuelan navies, provided that the visit, search, and detention be made in accordance with the places, and within the limits marked out in Article V of the Treaty signed this day, and which forms a part of the present Instructions. And the said commander shall thereupon, without delay, bring or send such merchant vessel, with her master, crew, cargo, and Slaves found on board, to one of the ports hereafter mentioned, in order that proceedings may be instituted in regard to them, conformably to the laws of the nation under whose flag the vessel is sailing : such commander shall deliver the same, together with her papers, to the proper authorities, or to the persons that may have been specially appointed for that purpose by the respective Governments.

**ARTICLE II.** Whenever a ship of war of either of the two Con-

*Apéndice al Tratado entre la República de Venezuela y la Gran Bretaña para la abolición del Tráfico de Esclavos.*

*Instrucciones para los buques de guerra Venezolanos y Británicos, que tuvieran á bien destinar los respectivos Gobiernos á impedir el Tráfico de Esclavos.*

**ARTICULO I.** El comandante de cualquier buque de guerra de Venezuela, ó de Su Majestad Británica, que se encuentre provisto de estas Instrucciones, tendrá el derecho de vistar, rejistrar, y detener, cualquier buque mercante, Venezolano ó Británico, que infunda sospechas de que se emplea, ó se ha empleado, en el Tráfico de Esclavos, ó que esta aparejado para ello, ó que durante el viage en que haya sido encontrado por el buque de guerra Venezolano ó Británico, haya estado empleado en el dicho Tráfico, siempre que la visita, el registro, y la detención, de que aquí se hace referencia, tengan lugar dentro de los límites señalados en el Artículo V del Tratado firmado hoy, y del cual forman parte de las presentes Instrucciones. Y el tal comandante conducirá ó remitirá sin tardanza dicho buque, con su maestre, tripulación, cargamento, y Esclavos hallados á bordo, á uno de los puertos que adelante se mencionarán, para que proceda al juicio correspondiente, conforme á las leyes de la nación bajo cuyo pabellón navegue el buque ; debiendo el dicho comandante entregarlo, junto con sus papeles, á las autoridades competentes, ó á las personas que especialmente sean señaladas al intento por los respectivos Gobiernos.

**ARTICULO II.** Cuando un buque de guerra de cualquiera de las dos

tracting Nations, duly authorized as aforesaid, shall meet a merchantman liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the visit shall be made by an officer holding a rank not lower than that of lieutenant in the navies of Great Britain and Venezuela respectively, or by the officer who, at the time, shall be second in command of the ship by which such search is made.

ARTICLE III. The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant vessel in pursuance of the tenour of the present Instructions, shall leave on board the vessel so detained, the master, the mate or boatswain, and the crew thereof, all the cargo, and the whole of the Slaves, if any, except in the cases herein-after specified in respect to Slaves on board of Venezuelan vessels.

The captor shall, at the time of detention, draw up in writing, an authentic declaration, which shall exhibit the state in which he found the detained vessel; such declaration to be signed by himself, and to be given in, or sent, together with the captured vessel, to the authorities before which such vessel shall be carried or sent to trial.

He shall deliver to the master of the detained vessel a signed certificate of the papers seized on board the same, as well as of the number of Slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certificate of the papers seized, he

Naciones Contratantes, debidamente autorizado como se ha dicho, encontraré un barco que debe ser visitado segun las disposiciones de este Tratado, el rejistro se hará con la mayor moderacion, y con todas las atenciones que deben guardarse entre naciones amigas y aliadas; y en todos casos deberá efectuarse por un oficial de grado no inferior al de teniente en las marinas Venezolana y Britanica respectivamente, ó por el oficial que, en aquel momento, haga de segundo comandante en el buque que practica el registro.

ARTICULO III. El comandante de cualquier buque de ambas naciones, debidamente autorizado como se ha dicho, que detenga un buque mercante, segun lo dispuesto en estas Instrucciones, dejará á bordo del buque detenido, el maestre, el piloto ó contramaestre, y su tripulacion, todo el cargamento, y la totalidad de los Esclavos, si los hubiere, excepto en los casos que se expresarán respecto de Esclavos encontrados á bordo de buques Venezolanos.

El apresador, al tiempo de la detencion, deberá asentar por escrito, una declaracion autentica sobre el estado en que haya encontrado el buque detenido, cuya declaracion firmará, y entregará ó remitirá, junto con el buque apresado, á las autoridades ante las cuales deba ser llevado para la formacion del juicio.

Tambien deberá entregar al maestre del buque detenido una certificacion firmada de los papeles aprehendidos en él, lo mismo que del numero de los Esclavos hallados á bordo al tiempo de la detencion.

En la declaracion autentica que el apresador queda por el presente obligado á hacer, lo mismo que en la certificacion de los papeles apre-

shall insert his own name, the name of the capturing ship; the latitude and longitude of the place where the detention shall have taken place; and the number of Slaves found on board the vessel at the time of the detention.

The officer in charge of the vessel detained, shall, at the time of delivering up the vessel to the competent authorities, transmit to the said authorities a paper signed by himself, and verified on oath, stating the changes which have taken place in respect to the vessel, her crew, the Slaves, if any, and her cargo, from the period of her detention until the time of delivering up such vessel.

**ARTICLE IV.** The Slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of trial; except in the cases hereinafter specified in respect to Slaves on board Venezuelan vessels, and when urgent motives, deduced from the length of the voyage, the state of health of the Slaves, or from other causes, shall require that either the whole, or a portion of the Negroes, be disembarked before the vessel can arrive at the place of trial. In this latter case, the commander of the capturing ship may take upon himself the responsibility of so disembarking the Negroes, provided that such necessity and causes thereof, be stated in a certificate in proper form, and that this certificate shall be drawn up and entered at the time, on the log-book of the detained vessel.

**ARTICLE V.** All such British vessels as shall be detained on the Brazilian station by Venezuelan cruisers, shall be carried and delivered up to the British jurisdiction at the colony of Demerara.

All such British vessels as shall

hendidos, deberá insertarse su propio nombre, el del buque apresador, la latitud y longitud del lugar en que se haya hecho la detención, y el numero de Esclavos encontrados á bordo del buque detenido.

El oficial encargado del buque detenido, al tiempo de entregarlo á las autoridades competentes, deberá presentarles un documento firmado y jurado por el mismo, en que expresará las mudanzas que haya habido respecto del buque, tripulacion, cargamento, y Esclavos, si los hubiere, desde el periodo de la detención hasta el de la entrega de tal buque.

**ARTICULO IV.** Los Esclavos no serán desembarcados hasta que el buque que los contenga no haya llegado al lugar en que debe ser juzgado; excepto en los casos que se determinarán respecto de Esclavos encontrados á bordo de buques Venezolanos, y cuando algun motivo urgente, oriñando de la duracion del viaje, de la salud de los Esclavos, ó de otras causas, obligue á desembarcar todos ó una parte de los Negros, antes que el buque pueda llegar al punto en que deba ser juzgado. En este ultimo caso, el comandante del buque apresador puede tomar sobre si la responsabilidad de este desembarco, con tal que la necesidad de hacerlo así, y las causas que la produjeron, se expresen en una certificación en forma, y que esta certificación se halle escrita y asentada á su debido tiempo, en el diario de navegacion del buque detenido.

**ARTICULO V.** Todos los buques Britanicos que fueren detenidos por los cruceros Venezolanos en los mares del Brasil, serán llevados y entregados á la autoridad Britanica en la colonia Demerara.

Todos los buques Britanicos que

be detained on the West Indian station by Venezuelan cruizers, shall be carried and delivered up to the British jurisdiction at Port Royal in Jamaica.

All such British vessels as shall be detained on the Madagascar station by Venezuelan cruizers, shall be carried and delivered up to the British jurisdiction at the Cape of Good Hope.

All such British vessels as shall be detained on the African station by Venezuelan cruizers, shall be carried and delivered up to the British jurisdiction at Bathurst on the river Gambia.

All such Venezuelan vessels as shall be detained on the Brazilian and West Indian stations, as well as on those of Africa and Madagascar, by British cruizers, shall be carried and delivered up to the Venezuelan jurisdiction at any of the ports belonging to the Republic; except in cases in which Slaves shall be on board at the time of capture, when the vessel shall, in the first instance, be sent to deposit the Slaves at the port to which the vessel would have been taken for trial, if she had been under the English flag. The vessel, with the rest of her cargo and crew, shall afterwards be sent on and delivered to the Venezuelan jurisdiction at any of the ports belonging to the Republic, as above stipulated.

fuéren detenidos en los mares de las Indias Occidentales por cruceros Venezolanos, serán llevados y entregados á la autoridad Britanica de Puerto Real en Jamaica.

Todos los buques Britanicos que fueren detenidos en los mares de Madagascar por cruceros Venezolanos, serán llevados y entregados á la autoridad Britanica en el Cabo de Buena Esperanza.

Todos los buques Britanicos que fueren detenidos en los mares de Africa por cruceros Venezolanos, serán llevados y entregados á la autoridad Britanica de Bathurst en el Rio Gambia.

Todos los buques Venezolanos que fueren detenidos en los mares del Brasil, de las Indias Occidentales, de Africa, y de Madagascar, por cruceros Britanicog, serán llevados y entregados á la autoridad Venezolana en cualquier de los puertos pertenecientes á la Republica de Venezuela, excepto en los casos en que se encuentren Esclavos á bordo al tiempo de la captura; pues entonces el buque, por primera medida, será enviado é depositar los Esclavos en el puerto en que habria sido juzgado si hubiera sido encontrado con la bandera Britanica. El buque, con el resto de su cargamento y tripulacion, será despues remitido y entregado á la autoridad Venezolana en cualquiera de los puertos pertenecientes á la Republica de Venezuela, segun los estipulado arriba.

The undersigned Plenipotentiaries have agreed, in conformity with the XIII<sup>th</sup> Article of the Treaty signed by them on this day, the fifteenth of March, in the year of our Lord one thousand eight hundred and thirty-nine, that the preceding Instructions, consisting of five Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

Los infrascritos Plenipotenciarios han convenido, en conformidad con el Articulo XIII del Tratado firmado hoy, dia quince de Marzo de mil ochocientos treinta y nueve, que las presentes Instrucciones, que constan de cinco Articulos, sean anexas al dicho Tratado, y consideradas como parte integrante de el.

The fifteenth day of March, one      Hoy, quince de Marzo, de mil  
thousand eight hundred and thirty-      ochocientos treinta y nueve.  
nine.

ROBT. KER PORTER.

JOSE SANTIAGO RODRIGUEZ.

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## 14. ARGENTINE CONFEDERATION.

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### SPECIAL ORDER.

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*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS a Treaty between Great Britain and the Argentine Confederation, for the Abolition of the Slave Trade, was signed at Buenos Ayres on the 24th of May, 1839; and Instructions for Cruizers, marked A, and Regulations for Mixed Courts of Justice, marked B, were annexed thereto, and declared to form an integral part thereof; and the Ratifications of the same were exchanged on the 16th of May, 1840: and whereas the High Contracting Parties mutually agreed thereby, that ships of war of both countries, respectively furnished with the Instructions contained in Annex A to the Treaty, might search and send in for trial, vessels suspected of the illegal Traffic in Slaves: and whereas we think fit, that Her Majesty's ship under your command should be one of those authorized to act under the Treaty,—

We furnish you with a copy of the said Treaty and its Annexes, marked A and B; and you are hereby expressly authorized, empowered, and ordered, to act in the suppression of the Traffic in Slaves according to the said Treaty.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To  
*Commander of Her Majesty's ship*  
By command of their Lordships,  
SIDNEY HERBERT.

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*Treaty between Her Majesty and the Argentine Confederation,  
for the abolition of the Slave Trade. Signed at Buenos  
Ayres, May 24, 1839.*

*Treaty between Great Britain and  
the Argentine Confederation, for  
the abolition of the Traffic in  
Slaves.*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Argentine Confederation, being equally animated by a sincere desire to co-operate for the utter extinction of the infamous and piratical Traffic in Slaves, have resolved to conclude a Treaty for the special purpose of attaining this object, so far as relates to the total and final abolition of the Slave Trade in the Argentine Confederation; and have respectively named for this purpose as their Plenipotentiaries to wit: John Henry Mandeville, Esq., Her said Majesty's Minister Plenipotentiary to the United Provinces of the Rio de la Plata; and Señor Don Felipe de Arana, Minister for Foreign Affairs, and Member of the Council; who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon and concluded the following Articles:—

ARTICLE I. The Slave Trade having been legally abolished throughout the territories of the Argentine Confederation, is hereby declared to be henceforward and for ever totally prohibited to all the citizens of the said Republic in all parts of the world.

ARTICLE II. The Argentine Confederation hereby engage, that immediately after the exchange of

*Tratado entre la Gran Bretaña y  
la Confederación Argentina, para  
la abolición del Tráfico de Es-  
clavos.*

ESTANDO Su Magestad la Reyna del Reyno Unido de la Gran Bretaña é Irlanda, y la República Argentina, igualmente animadas por un deseo sincero de cooperar á la extincion completa del infame y pirático Tráfico de Esclavos, han resuelto concluir un Tratado con el fin especial de obtener este objeto, en cuanto tenga relacion á la total y absoluta abolicion del Tráfico de Esclavos en la Confederacion Argentina; y ha respectivamente nombrado para este fin, como sus Plenipotenciarios: por parte del Gobierno de Su Magestad la Reyna del Reyno Unido de la Gran Bretaña é Irlanda, al Excelentísimo Señor Ministro Plenipotenciario Caballero Juan Henrique Mandeville; y por él de la República Argentina, al Excelentísimo Señor Ministro de Relaciones Exteriores, Camarista Doctor Don Felipe Arana; quienes, habiendo canjeado debida y reciprocamente sus respectivos plenos poderes, y encontrádolos en debida forma, han convenido y concluido los siguientes Artículos:—

ARTICULO I. Habiendo sido abolido legalmente el Tráfico de Esclavos en todo el territorio de la República Argentina, se declara desde luego hallarse desde ahora, y para siempre, totalmente prohibido á todos los ciudadanos de dicha República, en todas partes del mundo.

ARTICULO II. La Confederacion Argentina se obliga por este, á que, inmediatamente despues del

the ratifications of the present Treaty, and from time to time afterwards, as may become needful, they will take the most effectual measures for preventing the citizens of the said Republic from being concerned, and the flag of that Republic from being used, in carrying on, in any way, the Trade in Slaves; and the said Republic especially engages that, within two months after the above-mentioned exchange of ratifications, they will renew the promulgation, throughout the territory of the Republic, of the Penal Law by which the Slave Trade has been declared piracy; and that the punishment attached to piracy shall be inflicted on all those citizens who shall, under any pretext whatever, take any part whatever in the Traffic of Slaves.

**ARTICLE III.** In order more completely to accomplish the object of the present Treaty, the two High Contracting Parties mutually consent that those ships of their Navies respectively, which shall be provided with special Instructions for that purpose, as hereinafter mentioned, may visit such merchant-vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the Traffic in Slaves, or of having been fitted out for the purposes thereof, or of having, during the voyage in which they are met with by the said cruisers, been engaged in the Traffic in Slaves, contrary to the provisions of this Treaty; and that such cruisers may detain, and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

**ARTICLE IV.** In order to regulate the mode of carrying the pro-

cange de las ratificaciones del presente Tratado, y en lo sucesivo, de tiempo en tiempo, como sea necesario, adoptará las medidas mas eficaces para impedir que los ciudadanos de dicha República se mesclen en este Tráfico, y que el pabellon de aquella República sea usado para ejercer en manera alguna el Tráfico de Esclavos; y la dicha Confederacion se obliga especialmente á que, dentro de dos meses despues del arriba expresado cange de ratificaciones, renovará la publicacion, en todo el territorio de la República, de la Ley Penal, por la que el Tráfico de Esclavos ha sido declarado acto de pirateria; y que las penas establecidas á la pirateria serán impuestas á todos aquellos ciudadanos de la Confederacion Argentina, que, bajo cualquiera pretexto, tomasen parte alguna en el Tráfico de Esclavos.

**ARTICULO III.** Para asegurar mas completamente el objeto del presente Tratado, las dos Altas Partes Contratantes convienen mutuamente, que aquellos buques de su marina respectiva, que serán provistos de instrucciones especiales para aquel objeto, segun se designará mas adelante aqui, puedan visitar aquellas embarcaciones mercantes de las dos naciones, que con fundados motivos se sospeche hallarse ocupadas en el Tráfico de Esclavos, ó haber sido equipadas para objetos de él, ó haber, durante el viage en que son encontradas por los expresados cruceros, estado ocupadas en el Tráfico de Esclavos, en contrariedad á las provisiones de este Tratado; y que semejantes cruceros puedan detener, remitir, ó conducir tales buques, á efecto de que ellos sean juzgados en la forma aqui mas adelante convenida.

**ARTICULO IV.** Para arreglar el modo de llevar á ejecucion las

visions of the preceding Article into execution, it is agreed: First, that all ships of the navies of the two nations, which shall hereafter be employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present Treaty; of the Instructions for cruisers annexed thereto, letter A; and of the Regulations for the Mixed Courts of Justice, annexed thereto, letter B; which Annexes shall be considered as integral parts of the Treaty.

Secondly: That each of the High Contracting Parties shall, from time to time, communicate to the other the names of the several ships which have been furnished with such Instructions, the force of each ship, and the names of their several commanders.

Thirdly: That if, at any time, there shall be just cause to suspect that any merchant vessel, sailing under the flag of either nation, and proceeding under the convoy of any ship or ships of war of either of the Contracting Parties, is engaged, or is intended to be engaged, in the Traffic in Slaves, or is fitted out for the purposes thereof, or has, during the voyage on which she may be met with, been engaged in the Traffic in Slaves, it shall be lawful for the commander of any ship of the royal navy of Great Britain, or of the navy of the Argentine Confederation, furnished with such Instructions as aforesaid, to communicate his suspicion to the commander of the convoy, who, accompanied by the commander of the cruiser, shall proceed to the search of the suspected vessel; and in case the suspicions appear well founded, according to the tenor of this Treaty, then the said vessel shall be conducted or sent to one of the

provisiones del Artículo anterior, se conviene: Primero, que todo buque de las dos naciones, que sea en lo sucesivo empleado para impedir el Tráfico de Esclavos, será provisto por sus Gobiernos respectivos con una copia del presente Tratado en los idiomas Inglés y Espanol; de las Instrucciones para los cruceros adicionales á él, letra A; y de los Reglamentos para los Tribunales Mixtos de Justicia adicionales á él, letra B; cuyos Adicionales serán considerados como partes integrantes de este Tratado.

Segundo: Que cada una de las Altas Partes Contratantes, de tiempo en tiempo, comunicará á la otra los nombres de los diversos buques que han sido provistos con aquellas Instrucciones, la fuerza de cada buque, y los nombres de sus diferentes jefes.

Tercero: Que si alguna vez existiese justa causa para sospechar que alguna embarcación mercante, navegando bajo el pabellón de cualquiera de las dos naciones, y procediendo bajo el convoy de algun buque ó buques de guerra de cualquiera de las Partes Contratantes, se halle ocupada, o intente ocuparse, en el Tráfico de Esclavos, ó se halle equipada para objetos de él, ó ha estado, durante el viaje en que fuese encontrada, ocupada en el Tráfico de Esclavos, será permitido al comandante de cualquiera buque de la marina real de la Gran Bretaña, ó de la marina de la Confederación Argentina, provisto de las predichas Instrucciones, participar sus sospechas al comandante del convoy, quien acompañado por el comandante del crucero, procederá al examen del buque sospechado; y en caso de aparecer bien fundadas las sospechas, segun el tenor de este Tratado, entonces el dicho buque será conducido ó enviado á uno de

points where the Mixed Courts of Justice are stationed, in order to undergo the sentence applicable to the case.

Fourthly: It is further mutually agreed, that the commanders of the ships of the two navies respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid Instructions.

ARTICLE V. As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention. It is further agreed, that the visit and detention of vessels specified in the Third Article of this Treaty, shall be effected only by those British or Argentine ships which may form part of the navies (Royal and National) respectively of the two High Contracting Parties to this Treaty; and by such ships only of those navies as shall be provided with the special Instructions annexed to the present Treaty.

The compensation for damages mentioned in this Article shall be made within the term of one year, reckoned from the day on which the Mixed Court of Justice pronounces sentence on the vessel for the detention of which such compensation is claimed.

ARTICLE VI. In order to bring to adjudication, with as little delay and inconvenience as possible, vessels which may be detained according to the tenor of the Third Article of this Treaty, there shall

los puntos donde están establecidos los Tribunales Mixtos de Justicia, para que sufra la sentencia aplicable al caso.

Cuarto: Se conviene ademas mutuamente, que los comandantes de los buques de las dos marinas que sean respectivamente empleados en este servicio, se adheriran estrictamente al tenor exacto de las predichas Instrucciones.

ARTICULO V. Como los dos Articulos anteriores son enteramente reciprocos, las dos Altas Partes Contratantes se obligan mutuamente á indemnizar cualquiera perdida que sus respectivos subditos ó ciudadanos puedan sufrir por la detencion arbitraria é ilegal de sus embarcaciones; siendo entendido, que esta indemnizacion será sufrida invariablemente por el Gobierno cuyo crucero fuese culpable de semejante arbitrarria é ilegal detencion. Se conviene ademas, que la visita y detencion de buques especificadas en el Articulo III de este Tratado, serán efectuadas solamente por aquellos buques Británicos y Argentinos que constituyan respectivamente parte de las marinas Real y Nacional de las dos Altas Partes Contratantes de este Tratado; y solo por los buques determinados de aquellas marinas que estuviesen provistos con las Instrucciones especiales adicionales al presente Tratado.

La compensacion de perjuicios mencionado en este Articulo se hará dentro del termino de un año, contado desde el dia en que el Tribunal Mixto de Justicia pronuncie sentencia sobre el buque por cuya detencion se reclama aquella compensacion.

ARTICULO VI. Para proceder á la adjudicacion con la menor demora é inconveniencia posibles, de los buques que sean detenidos segun el tenor del Tercer Articulo de este Tratado, se establecerán,

be established, within the space of a year at furthest from the exchange of the ratifications of the present Treaty, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by the two High Contracting Parties respectively.

These Courts shall reside, one in a possession belonging to Her Britannic Majesty, the other within the territories of the Argentine Confederation; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own territories, in what places the said Courts shall respectively reside; each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Court held within its own territories; provided however, that one of the two Courts shall always be held upon the coast of Africa, and the other in the territory of the Argentine Confederation.

These Courts shall judge the causes submitted to them, according to the provisions of the present Treaty, without appeal, and in conformity with the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

**ARTICLE VII.** If the commanding officer of any of those ships of the navies of Great Britain and of the Argentine Confederation respectively, which shall be duly provided with Instructions according to the provisions of the Third Article of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged

dentro del termino de un año cuando mas desde el cange de las ratificaciones del presente Tratado, dos Tribunales Mixtos de Justicia, compuestos de un número igual de individuos de las dos naciones, nombrados para este objeto respectivamente por las dos Altas Partes Contratantes.

Estos Tribunales residirán, el uno en alguna posesión perteneciente á Su Magestad Británica, el otro dentro del territorio de la República Argentina; y los dos Gobiernos, al tiempo del cange de las ratificaciones del presente Tratado, declararán, cada uno respecto de su territorio, en que destinos residirán dichos Tribunales respectivamente; reservándose cada una de las dos Altas Partes Contratantes el derecho de variar, segun sea de su agrado, el punto de residencia del Tribunal establecido dentro de su propio territorio; con la condicion, no obstante, que uno de los dos Tribunales será siempre instituido en la costa de Africa, y el otro en el territorio de la República Argentina.

Estos Tribunales juzgarán de las causas que les sean sometidas, segun las provisiones del presente Tratado, sin apelacion, y en conformidad con los Reglamentos e Instrucciones que son adicionales al presente Tratado, y que son consideradas como que forman una parte integrante de él.

**ARTICULO VII.** Si el oficial comandante de alguno de los buques de las marinas de la Gran Bretaña y Confederacion Argentina respectivamente, que sea debidamente provisto de Instrucciones segun las provisiones del Articulo III de este Tratado, se desviase en modo alguno de las estipulaciones de dicho Tratado, ó de las Instrucciones adicionales á el, el Gobierno que se considere agraviado por aquel desvio, tendrá

thereby, shall be entitled to demand reparation; and, in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject matter of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

**ARTICLE VIII.** It is hereby further mutually agreed, that every merchant vessel, British or Argentine, which shall be visited by virtue of the present Treaty, may lawfully be detained, and be sent or brought before the Mixed Courts of Justice established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things hereinafter mentioned, namely :—

First: Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

Secondly: Divisions or bulk-heads in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

Thirdly: Spare plank fitted for being laid down as a second or slave-deck.

Fourthly: Shackles, bolts, or handcuffs.

Fifthly: A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel as a merchant vessel.

Sixthly: An extraordinary number of water casks, or of other receptacles for holding liquid; unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that sufficient security had been given by the

derecho de pedir reparacion; y en tal caso, el Gobierno á que dicho oficial comandante corresponda, queda obligado á hacer indagaciones sobre el asunto, materia de la queja, y á imponer al dicha oficial una pena proporcional á cualquiera transgresion intencional que hubiere cometido.

**ARTICULO VIII.** Se conviene ademas por este Articulo mutuamente, que todo buque mercante, Británico ó Argentino, que fuere visitado en virtud del presente Tratado, pueda ser legalmente detenido, y ser enviado ó conducido ante los Tribunales Mixtos de Justicia establecidos en cumplimiento de las provisiones de él, si en su equipo se encontrase alguna de las cosas aqui adelante mencionadas, a saber :—

Primero: Escotillas con enrejados abiertos, en lugar de escotillas cerradas que se acostumbran en buques mercantes.

Segundo: Divisiones ó mamparas en la bodega ó sobre cubierta, en mayor número del que es necesario para buques ocupados en tráfico legal.

Tercero: Tablazon de repuesto, preparado como para construir una segunda cubierta, ó cubierta para Esclavos.

Cuarto: Grillos y esposas para las piernas y manos.

Quinto: Mayor cantidad de agua en pipas y cisternas, que la necesaria para el consumo de la tripulacion del buque, como buque mercante.

Sexto: Un número extraordinario de pipas de agua, ó de otros receptáculos para contener liquido, excepto que el capitán exhibiese un certificado de la aduana del destino de que zarpó, que manifieste que suficiente seguridad ha sido dada por los dueños de tales bu-

owners of such merchant vessels, that such extra quantity of casks, or of other receptacles, should only be used for the reception of palm oil, or for other purposes of lawful commerce.

Seventhly: A greater quantity of mess tubs or kids, than are requisite for the use of the crew of the vessel as a merchant vessel.

Eighthly: A boiler or other cooking apparatus of an unusual size, and larger, or fitted for being made larger, than requisite for the use of the vessel as a merchant vessel; or more than one boiler or other cooking apparatus of the ordinary size.

Ninthly: An extraordinary quantity of rice; of the flour of Brazil, manioc, or casada, commonly called farina of maize; of Indian corn, or of any other article of food whatever, beyond what might probably be requisite for the use of the crew of the vessel; such rice, flour, maize, Indian corn, or other article of food, not being entered on the manifest, as part of the cargo for trade.

Tenthly: A quantity of mats or matting, greater than is necessary for the use of the crew of the vessel as a merchant vessel.

Any one or more of these several things, if proved to have been found on board, shall be considered as *prima facie* evidence of the actual employment of the vessel in the Slave Trade; and the vessel shall thereupon be condemned and be declared lawful prize, unless clear and incontestable evidence on the part of the master or owners shall establish, to the satisfaction of the Court, that such vessel was, at the time of her detention or capture, employed in some legal pursuit; and that such of the

ques mercantes, de que aquella extra cantidad de pipas ó de otros receptáculos solo seria empleada para contener aceite de palma, ó para otros objetos de comercio legal.

Septimo: Una cantidad mayor de tinas de comer ó canecas, que la necesaria para el uso de la tripulacion del buque como buque mercante.

Octavo: Un caldero ú otros instrumentos de cocina de un tamafío no comun, y mas grandes, ó preparados de modo que puedan hacerse mayores, que lo necesario para el uso del buque como buque mercante; ó mas de un caldero, ó de otros instrumentos de cocina del tamafío ordinario.

Noveno: Una cantidad extraordinaria de arroz, de harina del Brasil, tapioca ó casada, comunmente llamada fariña de maiz, ó de algun otro articulo cualquiera de alimento, mas del que probablemente pudiera necesitarse para el uso de la tripulacion; no estando comprendidos en el manifiesto aquel arroz, harina, maiz, ú otros articulos de alimento, como parte del cargamento para tráfico.

Décimo: Una cantidad de fresadones ó gergones mayor que la necesaria para el uso de la tripulacion de un buque como buque mercante.

Si se probase haberse encontrado ábordo una ó mas de estas varias cosas, será considerado como evidencia *prima facie* del actual empleo del buque en el Tráfico de Esclavos; y desde luego el buque será condenado y declarado presa legal, excepto que se produzca á satisfaccion del Tribunal, claros e incontestables testimonios por parte del capitán ó dueños, de que semejante embarcacion se hallaba empleada en algun giro legal al tiempo de su detencion ó captura, y que aquellos articulos de las cosas

everal things above enumerated, as were found on board her at the time of her detention, or which had been put on board her on the voyage on which she was proceeding when captured, were needed for legal purposes on that particular voyage.

**ARTICLE IX.** If any of the things specified in the preceding Article shall be found in any merchant vessel, no compensation for losses, damages, or expenses, consequent upon the detention of such vessel, shall in any case be granted, either to her master or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Court of Justice should not pronounce any sentence of condemnation in consequence of her detention.

**ARTICLE X.** It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained, under this Treaty, by their respective cruizers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice, to be established as aforesaid, the said vessel shall, immediately after condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

**ARTICLE XI.** The Negroes who are found on board of a vessel which has been detained by a cruizer, and has been condemned by the Mixed Courts of Justice, in conformity with the stipulations of this Treaty, shall be placed at the disposal of the Government whose cruizer made the capture; on the distinct understanding that they shall be immediately set at

arriba enumeradas que fueron encontradas á su bordo al tiempo de su detencion, ó que habian sido puestos á su bordo durante el viage que seguia cuando fué capturada, se necesitaban para objetos legales en aquel viage especial.

**ARTICULO IX.** Si se encontrase alguna de las cosas especificadas en el precedente Articulo en algun buque mercante, no se concedera en caso alguna indemnizacion por perdidas, perjuicios, ó gastos consiguientes á la detencion de semejante buque, ya sea al capitán ó á sus dueños, ó á cualquiera otra persona interesada en su equipo ó carga, aun en el caso de que el Tribunal Mixto de Justicia no pronunciase sentencia alguna de condena á consecuencia de su detencion.

**ARTICULO X.** Se conviene por este Articulo entre las dos Altas Partes Contratantes, que en todos los casos en que un buque sea detenido, con arreglo á este Tratado, por sus respectivos cruceros, por haber estado ocupado en el Tráfico de Esclavos, ó por haber sido equipado para objetos de él, y haya de ser consiguientemente adjudicado y condenado por los Tribunales Mixtos de Justicia que hayan de establecerse segun queda dicho, aquél buque será, inmediatamente despues de la condena, deshecho enteramente, y será vendido en lotes separados, despues de haber sido así deshecho.

**ARTICULO XI.** Los Negros que se hallen á bordo de un buque que haya sido detenido por un crucero, y haya sido condenado por los Tribunales Mixtos de Justicia, en conformidad con las estipulaciones de este Tratado, serán puestos á la disposicion del Gobierno cuyo crucero hizo la captura, bajo la precisa inteligencia que serán inmediatamente puestos en libertad, y serán

liberty, and shall be thenceforward kept free. The two High Contracting Parties respectively guarantee the full and permanent liberty of such Negroes, and, with a view of ensuring the due execution of the Treaty in this respect, they each engage to afford, from time to time, and whenever required to do so by the other High Contracting Party, the fullest information as to the state and condition of such Negroes.

The Regulations letter C, annexed to this Treaty, as to the treatment of Negroes liberated by sentence of the Mixed Courts of Justice, are declared to form an integral part of this Treaty.

The two High Contracting Parties reserve to themselves the right to alter or suspend by common consent, but not otherwise, the terms of such Regulations.

**ARTICLE XII.** The Annexes to this Treaty, which it is mutually agreed shall form an integral part thereof, are as follows:—

A. Instructions for the ships of the navies of both Nations, employed to prevent the Traffic in Slaves.

B. Regulations for the Mixed Courts of Justice, which are to hold their sittings on the Coast of Africa, and in one of the possessions of the Argentine Republic.

C. Regulations for the treatment of liberated Negroes.

**ARTICLE XIII.** The present Treaty, consisting of thirteen Articles, shall be ratified, and the ratifications thereof shall be exchanged at Buenos Ayres as soon as possible within the space of eight months from this date.

In witness whereof the respective Plenipotentiaries have signed, in duplicate originals, English and

de alli adelante considerados libres. Las dos Altas Partes Contratantes respectivamente garanten la libertad completa y permanente de tales Negros; y, con la mira de asegurar la debida ejecucion del Tratado en este particular, cada una se obliga a proporcionar, de tiempo en tiempo, y siempre que asi lo exija la otra Alta Parte Contratante, los informes mas completos respecto del estado y condicion de tales Negroz.

El Reglamento letra C, adicional á este Tratado, relativo al tratamiento de los Negros libertados por sentencia de los Tribunales Mixtos de Justicia, se declara formar una parte integrante de este Tratado.

Las dos Altas Partes Contratantes se reservan el derecho de alterar ó suspender por mutuo consentimiento, pero no de otro modo, los terminos de aquel Reglamento.

**ARTICULO XII.** Las Adiciones á este Tratado, que se conviene mutuamente, constituirán una parte integrante de él, son las siguientes:—

A. Instrucciones para los buques de las marinas de ambas Naciones, empleados en impedir el Tráfico de Esclavos.

B. Reglamento para los Tribunales Mixtos de Justicia, que deben tener sus asientos en la Costa de Africa, y en una de las posesiones de la República Argentina.

C. Reglamento para el tratamiento de los Negros libertados,

**ARTICULO XIII.** El presente Tratado, compuesto de trece Articulos, será ratificado, y sus ratificaciones serán cangeadas en Buenos Ayres tan pronto como sea posible dentro del término de ocho meses de la fecha.

En testimonio de lo qué los respectivos Plenipotenciarios han firmado originales duplicados, en

Spanish, the present Treaty, and have thereunto affixed the seal of their arms.

Done at Buenos Ayres, this twenty-fourth day of May, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.

Inglés y Español, del presente Tratado, y han impreso en él el sello de sus armas.

Concluido en Buenos Ayres, á veinte y cuatro de Mayo, en el año de nuestro Señor de mil ochocientos treinta y nueve.

(L.S.) FELIPE ARANA.

*Annex A to the Treaty between Great Britain and the Argentine Confederation, for the abolition of the Slave Trade of the Argentine Confederation.*

*Instructions for the Ships of the British and Argentine Navies employed to prevent the Traffic in Slaves.*

**ARTICLE I.** The commander of any ship belonging to the Navy of Her Britannic Majesty, or of the Argentine Confederation, which shall be furnished with these Instructions, shall have a right to visit, search, and detain any British or Argentine merchant vessel which shall be actually engaged, or which shall be suspected to be engaged, in the Slave Trade, or to be fitted out for the purposes thereof, or to have been engaged in the Traffic in Slaves during the voyage in which she may be met with by such ship of the British or Argentine Navy; and such commander shall thereupon bring or send such merchant vessel, as soon as possible, for judgment before that Mixed Court of Justice, established in virtue of the VIIth Article of the said Treaty, which shall be the nearest to the place of detention, or which such commander shall, upon his own responsibility, think can be soonest reached from such place.

**ARTICLE II.** Whenever a ship

*Adicional A al Tratado entre la Gran Bretaña y la Confederación Argentina, para la abolición del Tráfico de Esclavos en la Confederación Argentina.*

*Instrucciones para los Buques de las Marinas Británica y Argentina empleados para impedir el Tráfico de Esclavos.*

**ARTICULO I.** El comandante de todo buque perteneciente á la Marina de Su Majestad Británica, ó de la Confederación Argentina, que se halle provisto con estas Instrucciones, tendrá derecho de visitar, examinar, y detener cualquiera embarcación mercante Británica ó Argentina, que se halle actualmente ocupada, ó que se sospeche de hallarse ocupada, en el Tráfico de Esclavos, ó de ser equipada para objetos de él, ó de haber estado ocupada en el Tráfico de Esclavos durante el viaje en que fuese encontrada por el predicho buque de la Marina Británica ó Argentina; y dicho comandante desde luego conducirá ó enviará aquellas embarcaciones mercantes, tan pronto como sea posible, para que sean juzgadas por el Tribunal Mixto de Justicia establecido en virtud del Artículo VII del dicho Tratado, que se halle situado mas cerca al parage de la detención, ó al que dicho comandante, bajo su propia responsabilidad, crea pueda llegarse mas pronto desde dicho parage.

**ARTICULO II.** Siempre que algun

of either of the said navies, duly authorized as aforesaid, shall meet a merchant vessel liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of a Lieutenant in the Navy of Great Britain, or in that of the Argentine Republic respectively (unless the command shall, by reason of death, or otherwise, be held by an officer of inferior rank); or by the officer who, at the time, shall be second in command of the ship by which the search is made.

ARTICLE III. The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant vessel in pursuance of the present Instructions, shall leave on board the vessel so detained, the master, the mate or boatswain, and two or three, at least, of the crew thereof, the whole of the Slaves, if any, and all the cargo.

The captor shall, at the time of detention, draw up, in writing, an authentic declaration, which shall exhibit the state in which he found the detained vessel; and such declaration shall be signed by himself, and shall be given in or sent, together with the captured vessel, to the Mixed Court of Justice, before which such vessel shall be carried or sent for adjudication.

The captor shall deliver to the master of the detained vessel, a certified list of the papers seized on board the same, as well as a statement of the number of Slaves found on board at the moment of detention.

In the authenticated declaration

buque de cualquiera de las dos naciones debidamente autorizado, como queda dicho, encontrase alguna embarcacion mercante sujeta á ser visitada segun las provisiones del dicho Tratado, el examen sera conducido del modo mas suave, y con todo la atencion que debe observarse entre naciones aliadas y amigas; y el registro en todo caso sera efectuado por un oficial de no menos graduacion que la de teniente en la Marina de la Gran Bretaña, ó en la de la Republica Argentina respectivamente (excepto que por razon de muerte ó otras causas, aquella graduacion recaiga sobre un oficial de graduacion inferior) ó por el oficial que á la sazon fuere el segundo en mando del buque por el que se hace el examen.

ARTICULO III. El comandante de todo buque de las dos marinas debidamente autorizado, como queda dicho, que detenga embarcacion mercante alguna, en cumplimiento de las presentes Instrucciones, dejará á bordo del buque asi detenido, al maestre ó contramaestre, y dos ó tres al menos de su tripulacion, todos los Esclavos, si algunos hubiere, y toda la carga.

El captor, al tiempo de la detencion, extenderá por escrito una declaracion autentica, que manifieste el estado en que encontró el buque detenido; y dicha declaracion sera firmada por él, y sera entregada ó enviada, juntamente con el buque capturado, al Tribunal Mixto de Justicia ante el que dicho buque sea conducido ó enviado para ser juzgado.

El captor entregará al maestre del buque detenido, una lista certificada de los papeles tomados á bordo del mismo, así como un estatuto del número de Esclavos llevados á bordo al tiempo de la detencion.

En la declaracion autentica que

which the captor is hereby required to make, as well as in the certified list of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found on board the vessel at the time of detention.

The officer in charge of the vessel detained, shall, at the time when he brings the vessel's papers into the Mixed Court of Justice, deliver into the Court a paper signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the Slaves (if any), and her cargo, between the period of her detention and the time of delivering in such paper.

**ARTICLE IV.** The Slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of adjudication; and even after the vessel has arrived at such place, they shall not be landed without the permission of the Mixed Court of Justice.

But if urgent reasons, deduced from the length of the voyage, from the state of health of the Slaves, or from other causes, should require that either the whole or a portion of the Negroes should be disembarked or be transhipped before the vessel can arrive at the place at which one of the said Courts is established, or after her arrival there and before adjudication, the commander of a capturing ship may take upon himself the responsibility of so disembarking or transhipping the Negroes, provided that such necessity, and the causes thereof, be stated in a certificate in proper form, and that this certificate be entered at the

el captor està por este Artículo obligado á hacer, como tambien en la lista certificada de los papeles tomados, deberá insertar su propio nombre, el nombre del buque capturante, la latitud y longitud del punto donde la detención hubiese tenido lugar, y el número de Esclavos encontrados á bordo del buque al tiempo de la detención.

El oficial á cargo del buque detenido, al tiempo de entregar los papeles del buque al Tribunal Mixto de Justicia, entregará tambien un papel al Tribunal, firmado por él, y justificado bajo juramento, manifestando todo cambio que pueda haber tenido lugar respecto al buque, su tripulacion, los Esclavos (si los hubiere), y su carga, entre el periodo de su detencion y el tiempo de la entrega de semejante papel.

**ARTICULO IV.** Los Esclavos no serán desembarcados sino despues que el buque que los contiene haya arribado al destino donde debe ser juzgado; y aun despues de haber llegado el buque á dicho destino, no serán desembarcados sin el permiso del Tribunal Mixto de Justicia.

Pero si urgentos razones, deducidas de la extension del viage, del estado de salud de los Esclavos, ó de otras causas, requieren que ya el todo ó una parte de los Negros se desembarque ó se transborde, antes que el buque llegue al destino en que uno de los dichos Tribunales se halla establecido, ó que despues de su arribo allí, y antes de ser juzgado; el comandante del buque capturante pueda tomar sobre si la responsabilidad de asi desembarcar ó transbordar los Negros, con la condicion de que tal necesidad, y las causas de ella, sean manifestadas en un certificado en debida forma, y que este certificado se registre en el

time on the Log-Book of the detained vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the Twelfth Article of the Treaty signed by them on this day, the twenty-fourth day of May, one thousand eight hundred and thirty-nine, that the preceding Instructions, consisting of four Articles, shall be annexed to the said Treaty, and shall be considered as an integral part thereof.

The twenty-fourth day of May, one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.

acto en el libro de Diario del buque detenido.

Los abajo firmados Plenipotenciarios han convenido, en conformidad con el Artículo Doce del Tratado firmado por ellos hoy veinte y cuatro de Mayo de mil ochocientos treinta y nueve, que las precedentes Instrucciones, consistentes de cuatro Artículos, sean adicionadas al dicho Tratado, y sean consideradas como parte integrante del Tratado concluido el dia veinte y cuatro de Mayo, de mil ochocientos treinta y nueve.

(L.S.) FELIPE ARANA.

*Annex B to the Treaty between Great Britain and the Argentine Confederation, for the abolition of the Slave Trade of the Argentine Confederation.*

*Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa, and in the Possessions of the Argentine Confederation.*

**ARTICLE I.** The Mixed Courts of Justice to be established under the provisions of the Treaty, of which these Regulations are declared to be an integral part, shall be composed in the following manner. Each of the two High Contracting Parties shall name a judge and an arbitrator, who shall be authorized to hear and to decide, without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The judges and the arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal magistrate of

*Adicional B al Tratado entre la Gran Bretaña y la Confederación Argentina, para la abolición del Tráfico de Esclavos en la Confederación Argentina.*

*Reglamento para los Tribunales Mixtos de Justicia que deben residir en la Costa de África, y en las Posesiones de la Confederación Argentina.*

**ARTICULO I.** Los Tribunales Mixtos de Justicia que han de establecerse con arreglo á las provisiones del Tratado, de que este Reglamento se declara ser una parte integrante, se compondrán del modo siguiente. Cada una de las dos Altas Partes Contratantes nombrará un juez y un arbitrador, que serán autorizadas para oír y decidir sin apelación, cuantos casos de captura ó detención de buques que, en cumplimiento de las estipulaciones del predicho Tratado, fueren presentados ante ellos. Los jueces y arbitradores, antes de entrar en sus deberes de su oficio, prestarán respectivamente juramento entre los magistrados principales de los

the places in which such Courts respectively shall reside, that they will judge fairly and faithfully; that they will have no preference, either for the claimants or the captors; and that in all their decisions they will act in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts, a secretary or registrar, who shall be appointed by the Government of the country within whose territories such Court shall reside; such secretary or registrar shall register all the acts of such Court, and shall, before he enters upon his office, make oath before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the secretary or registrar of the Court to be established on the coast of Africa, shall be paid by Her Britannic Majesty; and that of the secretary or registrar of the Court to be established in the possessions of the Argentine Confederation, shall be paid by the Government of that Republic.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such Courts.

**ARTICLE II.** The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, slaves, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing the vessel to adjudication, shall, in case of condemnation, be defrayed out of the funds arising from the sale of the materials of the broken up vessel, of the ship's stores, and of such parts of the cargo as shall consist of merchandise; and in

destinos en que semejantes Tribunales respectivamente hayan de residir, de que juzgarán justa y fielmente; que no abrigarán preferencia alguna, ya en favor de los demandantes ó de los captores; y que en todas sus decisiones obrarán en cumplimiento de las estipulaciones del predicho Tratado.

Se agregará á cada uno de tales Tribunales un secretario ó registrador, que será nombrado por el Gobierno del país dentro de cuyos territorios dicho Tribunal haya de residir; aquel secretario ó registrador registrará todos los actos de dicho Tribunal; y, antes de entrar en sus funciones, prestará juramento ante el Tribunal para el que es nombrado, que se conducirá con el respeto debido á su autoridad, y que obrará con fidelidad e imparcialidad en todos materiales relativas á su oficio.

El sueldo del secretario ó registrador del Tribunal que ha de establecerse en la costa de Africa, será pagado por Su Magestad Británica; y el del secretario ó registrador del Tribunal que ha de establecerse en las posesiones de la Confederación Argentina, será abonado por el Gobierno de esta República.

Cada uno de los Gobiernos costeará la mitad de la suma agrégada de gastos incidentales de semejantes Tribunales.

**ARTICULO II.** Los gastos incurridos por el oficial encargado del recibo, manutención, y cuidado del buque detenido, Esclavos, y cargamento, y de la ejecución de la sentencia, y todas los desembolsos ocasionados para conducir el buque á ser juzgado, en caso de condena, serán pagados de los fondos resultantes de la venta de los materiales del buque deshecho, de las provisiones del buque, y de aquella parte de la carga que consista en mercancías; y en caso que

case the proceeds arising from this sale should not prove sufficient to defray such expenses, then the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, excepting in the cases specified and otherwise provided for by Article IX of the Treaty to which these Regulations form an Annex, and by Article VII of these Regulations.

**ARTICLE III.** The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruisers of either nation shall, in pursuance of the said Treaty, detain.

These Courts shall judge, definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Courts shall take place with as little delay as possible: and for this purpose the Courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding Court shall reside.

If, in consequence of such proceedings, the vessel whose case is brought before the Court, shall be found to be employed in the Slave Trade, or to have been fitted out for the purposes thereof, such vessel, her cargo of merchandize, and her equipments, shall be condemned by the Court, and shall be declared lawful prize; and any Slaves who may have been put on board such vessel for the pur-

los productos resultantes de esta venta no fuesen suficientes para costear estos gastos, entonces la deficiencia será subsanada por el Gobierno del país dentro de cuyo territorio el juicio haya tenido lugar.

Si el buque detenido fuese declarado libre, los gastos ocasionados para conducirlo á ser juzgado serán subsanados por el captor; excepto en los casos especificados y de otro modo provistos por el Articulo IX del Tratado á que el adicional este Reglamento, y por el Articulo VII de este Reglamento.

**ARTICULO III.** Los Tribunales Mixtos de Justicia han de decidir sobre la legalidad de la detención de aquellos buques que los cruceros de ambas naciones detengan en cumplimiento del dicho Tratado.

Estos Tribunales sentenciarán definitivamente y sin apelación, todas las cuestiones que emanen de la captura y detención de tales buques.

Los procedimientos de estos Tribunales se efectuarán con la menor demora posible; y con este fin se exige de los Tribunales que decidan cada caso, en tanto que fuere practicable, dentro del término de veinte días, que ha de datarse desde el dia en que el buque detenido haya sido traído al puerto donde el Tribunal que ha de decidir resida.

Si, á consecuencia de aquellos procedimientos, se descubriese que el buque, cuyo caso se presenta ante el Tribunal, había estado empleado en el Tráfico de Esclavos, ó había sido equipado para objetos de él, dicho buque, su carga de mercancías, y su equipo, serán condenados por el Tribunal, y serán declarados presa legal; y todo Esclavo que haya sido puesto á bordo de semejante buque para

poses of traffic, shall be emancipated.

The final sentence shall not, in any case, be delayed beyond the period of two months, either on account of the absence of witnesses, or for any other reason; except upon the application of any of the parties interested, in which case, if such party or parties shall give satisfactory security that they will take upon themselves the expense and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months.

Either party shall be allowed to employ such counsel as he may think fit, to assist him in conducting his cause. All the essential parts of the proceedings of the said Courts shall be written down in one act, in the language of the country in which the Courts shall respectively reside.

ARTICLE IV. The form of the process shall be as follows:—The judges appointed by the two Governments respectively, shall, in the first place, proceed to examine the papers of the detained vessel, and to take the depositions of the master or commander, and of two or three, at least, of the principal individuals on board such vessel; as well as the declaration on oath of the captor, should such declaration appear to be necessary, in order to enable them to judge and pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty.

In the event of the two judges not agreeing as to the sentence which they ought to pronounce with respect to the legality of the detention of any vessel, as to the liability of the vessel to condemnation, as to the compensation to be allowed to the owners, or as to any other question which may

objetos de tráfico, sera emancipado.

La sentencia definitiva no será en caso alguno, demorada mas allá de dos meses, y sea á causa de la ausencia de testigos, ó por cualquiera otra razon, excepto á peticion de alguna de las partes interesadas, en cuyo caso, si dicha parte ó partes diesen seguridad satisfactoria, que tomarán sobre si los gastos y riesgos de la demora, el Tribunal, á su discrecion, podrá conceder una demora adicional, que no exceda de cuatro meses.

Será permitido á cada parte emplear el defensor que considere conveniente, para que la asista en la direccion de su causa. Todas las partes esenciales de los procedimientos de dichos Tribunales serán escritas en una acta, en el idioma del pais en que reydan respectivamente los Tribunales.

ARTICULO IV. La forma del proceso será como sigue:—Los jueces nombrados por los dos Gobiernos respectivamente, en primer lugar procederán á examinar los papeles del buque detenido; y á tomar las deposiciones del capitán ó comandante, y de dos ó tres, al menos, de los principales individuos á bordo de dicho buque; así como la declaracion bajo juramento del captor, caso que aparezca ser necesaria semejante declaracion, para que puedan juzgar y declarar si el buque ha sido justamente detenido ó no, segun las estipulaciones del predicho Tratado.

En caso que los dos jueces no se conformen respecto de la sentencia que deban emitir con respecto á la legalidad de la detencion de cualquiera embarcacion, así como acerca de la factibilidad de la condena del buque, como respecto á la indemnizacion que ha de concederse á los dueños, ó tambien

arise out of any capture; or if any difference of opinion should arise between them, as to the mode of proceeding in the said Court; they shall, in any such case, draw by lot the name of one of the two arbitrators appointed as is stated in Article I of this Annex; and the arbitrator whose name shall be so drawn shall, after he has considered the proceedings which have taken place, consult with the two above-mentioned judges, and the final sentence or decision shall be pronounced in conformity with the opinion of the majority of the three.

**ARTICLE V.** If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Court, claim to have a valuation made, in order to ascertain the amount of the damages to which he shall be entitled. The captor himself, and, in his default, his Government, shall remain responsible for the damages which may definitively be pronounced to be due to the master of such vessel, or to the owners of the vessel or of her cargo.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the aforesaid Court, it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject or citizen.

acerca de cualquiera otra cuestión que provenga de cualquiera captura; ó si alguna diferencia de opinión se suscitará entre ellos, respecto al modo de proceder en el dicho Tribunal;—en cualquier caso de estos, elegirán á la suerte el nombre de uno de los dos arbitradores nombrados según queda dicho en el Artículo I de este Reglamento adicional; y el arbitrador cuyo nombre quede así elegido, después de haber considerado los procedimientos que han tenido lugar, se asociará con los dos arriba mencionados jueces, y la sentencia definitiva ó decisión será pronunciada en conformidad con la opinión de la mayoría de los tres.

**ARTICULO V.** Si el buque detenido ha de devolverse por la sentencia del Tribunal, se entregarán inmediatamente al maestre, ó á la persona que lo represente, el buque y cargamento en el estado en que entonces se encuentren; y dicho maestre ó otra persona podrá reclamar, ante el mismo Tribunal, que se haga un avaluo á fin de determinar el monto de perjuicios á que pueda tener derecho. El mismo captor, y, en su defecto, su Gobierno, quedarán responsables por los perjuicios que definitivamente se declaran deberse al maestre de dicho buque, ó á los dueños de él ó de su cargamento.

Las dos Altas Partes Contratantes se obligan á pagar, dentro del término de un año desde la fecha de la sentencia, los costos y perjuicios que sean declarados por el predicho Tribunal; estando mutuamente reconocido y convenido, que tales costos deberán subvenirse por el Gobierno del país de que el captor sea súbdito ó ciudadano.

**ARTICLE VI.** If a detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, whatever it may be, with the exception of the Slaves who shall have been found on board; and the said vessel, in conformity with the regulations in Article X of the Treaty of this date, shall, as well as her cargo, be sold by public sale, for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

Each Slave shall receive from the Court a certificate of emancipation, and shall be delivered over to the Government to whom belongs the cruiser which made the capture, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty, letter C.

**ARTICLE VII.** The commander and the crew of a vessel condemned under this Treaty, and all persons found on board who shall have been accomplices in her Slave Trade undertaking, shall, on condemnation of the vessel, be sent as prisoners to the nearest settlement of the country of which they are subjects or citizens, and shall be there delivered over to the authorities of the place, to be tried according to the laws of their country for the offences which they have committed against those laws. The commander of the cruiser which made the capture of the vessel, shall, on the requisition of the members of the Mixed Courts of Justice, take charge of the commander, the crew, and accomplices on board of the captured vessel, and shall convey them and deliver them over as before mentioned.

The charges incurred for the support and return voyage of the commander, the crew, and the

**ARTICULO VI.** Si alguna buque detenido fuese condenado, será declarado presa legal, juntamente con su cargamento, cuaquiera que el sea, con la excepcion de los Esclavos que fuesen encontrados á bordo; y dicho buque, en conformidad con el reglamento en el Artículo X del Tratado de esta fecha, será enajenado, como tambien su cargamento, en venta pública, en beneficio de los dos Gobiernos, pero sujeto el producto de esta venta el pago de los gastos aquí mas adelante referidos.

Los Esclavos recibirán cada uno del Tribunal un certificado de emancipacion, y serán entregados al Gobierno á que corresponda el crucero que hizo la captura, para ser tratados segun el reglamento y condiciones contenidas en la letra C, adicional á este Tratado.

**ARTICULO VII.** El maestre y la tripulacion de un buque detenido con arreglo á este Tratado, y todas las personas encontradas á bordo que hubiesen sido cómplices en su empresa de Tráfico de Esclavos, luego de condenado el buque, serán enviados como presos al establecimiento mas proximo del pais de que son súbditos ó ciudadanos, y serán allí entregados á las autoridades del lugar, para ser juzgados segun las leyes de su pais por las ofensas que han cometido contra aquellas leyes. El comandante del crucero que hizo la captura del buque, tan luego como se lo prescriban los miembros de los Tribunales Mixtos de Justicia, tomará á su cargo al maestre, tripulacion, y cómplices á bordo del buque capturado, y los conducirá y entregará como queda dicho.

Los gastos causados por la manutencion y viage de retorno del capitán, tripulacion, y cóm-

accomplished thus sent as prisoners, shall be defrayed by the Government of which they are the subjects or citizens.

**ARTICLE VIII.** The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed (save as mentioned in a subsequent part of these Regulations, and in Article IX of the Treaty to which these Regulations form an Annex), the Court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention ; that is to say :

**First:** In case of total loss, the claimant or claimants shall be indemnified ;

*a.* For the ship, her tackle, equipment, and stores.

*b.* For all freights due and payable.

*c.* For the value of the cargo of merchandise, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

*d.* For all other regular charges in such case of total loss.

**Secondly:** In all other cases not of total loss, save as herein-after mentioned, the claimant or claimants shall be indemnified ;

plíces así remitidos como presos, serán satisfechos por el Gobierno de que son súbditos ó ciudadanos.

**ARTICULO VIII.** Los Tribunales Mixtos de Justicia tomarán tambien conocimiento, y decidirán definitivamente y sin apelación, todo reclamo por indemnización con motivo de pérdidas ocasionadas a buques y cargamentos que hubiesen sido detenidos bajo las provisiones de este Tratado, pero que no hubiesen sido condenados como presa legal por los dichos Tribunales ; y en todos los casos en que se decrete restitución de tales buques y cargamentos (excepto como queda mencionado en una parte subsiguiente de este Reglamento, y en el Artículo IX del Tratado á que este Reglamento es Adicional), el Tribunal adjudicará al reclamante ó reclamantes, ó á su procurador ó procuradores legales, para su ó sus usos, una justa y completa indemnización de los costos del pleito, y por todas pérdidas ó perjuicios que el dueño ó dueños hayan realmente experimentado por aquella captura y detención ; á saber :

**Primero:** En caso de total pérdida, el reclamante ó reclamantes serán indemnizados ;

*a.* Por el buque, su aparejo, equipo, y provisiones.

*b.* Por todos los fletes debidos y abonables.

*c.* Por el valor de la carga de mercancías, si las hubiere, deduciendo todos los cargos y gastos abonables sobre la venta de semejante cargamento, incluyendo comisión de venta.

*d.* Por todo otro cargo justo en tal caso de total pérdida.

**Segundo:** En todos los demás casos no de total pérdida, que se refieren aquí mas adelante, el reclamante ó reclamantes serán indemnizados ;

a. For all special damages and expenses occasioned to the ship by her detention, and for loss of freight when due or payable.

b. For demurrage according to the schedule annexed to the present Article.

c. For any deterioration of the cargo.

d. For all premium of insurance on additional risks.

Further, the claimant or claimants shall be entitled to interest at the rate of 5 per cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs: the whole amount of such indemnification shall be calculated in the money of the country to which the detained vessel belongs, and shall be paid at the rate of exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel shall, in such case, not receive for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

*Schedule of demurrage, or daily allowance for a vessel of*

100 tons to 120 inclusive £5			
121 "	150	"	6
131 "	170	"	8
171 "	200	"	10
201 "	220	"	11
221 "	250	"	12
251 "	270	"	14
271 "	300	"	15

and so on in proportion.

a. Por todo perjuicio y gasto especiales ocasionados al buque por su detencion, y por perdida de flete si debida y pagadera.

b. Por estadias segun la lista adicional al presente Articulo.

c. Por cualquiera deterioro en la carga.

d. Por todo premio de aseguradores sobre riesgos adicionales.

Ademas, el reclamante ó reclamantes tendrán derecho al interes á razon de 5 por ciento por año, sobre el capital adjudicado, hasta que dicho capital sea pagado por el Gobierno á que el buque capturante corresponde: el monto total de semejante indemnizacion será calculado en la moneda del pais á que corresponde el buque detenido, y será abonado á razon del cambio corriente al tiempo de la adjudicacion.

Las dos Altas Partes Contratantes sin embargo han convenido, que si se comprobare á la satisfaccion de los jueces de las dos naciones, y sin recurso á la decision de un arbitrador, que el captor ha sido inducido á error por culpa del maestre ó comandante del buque detenido, el buque detenido, en tal caso, no recibirá por el tiempo de su detencion, las estadias estipuladas por el presente Articulo, ni otra alguna indemnizacion por perdidas, perjuicios, ó gastos consiguientes á semejante detencion.

*Lista de estadias ó concesiones dia-  
rias para un buque de*

100 toneladas á 120 inclusive £5			
121 "	150	"	6
151 "	170	"	8
171 "	200	"	10
201 "	220	"	11
221 "	250	"	12
251 "	270	"	14
271 "	300	"	15

y asi en proporcion.

**ARTICLE IX.** Neither the judges, nor the arbitrators, nor the secretaries of the Mixed Courts of Justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries have to perform.

**ARTICLE X.** The two High Contracting Parties have agreed, that in the event of the death, sickness, absence on leave, or other legal impediment, of one or more of the judges or arbitrators composing the above-mentioned Courts, the post of such judge or of such arbitrator shall be supplied, *ad interim*, in the following manner :

First: On the part of Her Britannic Majesty, and in that Court which shall sit in one of the possessions of Her said Majesty; if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled, successively, by the Governor, or Lieutenant-Governor resident in such possession, by the principal magistrate of the same, and by the secretary of the Government; and the said Court, so constituted as above, shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

Secondly: On the part of Great Britain, and in that Court which shall sit in some place within the territories of the Argentine Confederation; if the vacancy be that of the British judge, his place shall be filled by the British arbi-

**ARTICULO IX.** Ni los jueces, ni los arbitradores, ni los secretarios de los Tribunales Mixtos de Justicia, reclamarán ó recibirán de parte alguna interesada en los casos que sean deducidos ante dichos Tribunales, emolumento ó gratificación alguna, bajo ningún pretexto, para el cumplimiento de los deberes que tal jueces, arbitradores, y secretarios tengan que ejecutar.

**ARTICULO X.** Las dos Altas Partes Contratantes han convenido que en los casos de muerte, enfermedad, ó ausencia con permiso, ó otro impedimento legal, de uno ó mas de los jueces ó arbitradores que componen el ya referido Tribunal, el cargo de dicho juez ó de tal arbitrador será suplido, *ad interim*, en la forma siguiente :

Primero: Por parte de Su Magestad Británica, y en el Tribunal que resida en una de las posesiones de la dicha Su Magestad Británica; si la vacante fuere la del juez Británico, su puesto será desempeñado por el arbitrador Británico; y ya en aquel caso, ó siempre que la vacante fuere originalmente la del arbitrador Británico, el destino de tal arbitrador será desempeñado sucesivamente por el Gobernador ó Teniente Gobernador residentes en aquella posesión, por el magistrado principal de la misma, y por el secretario del Gobierno; y el dicho Tribunal, así constituido como queda dicho, se reunirá, y procederá á juzgar todos los casos que la sean sometidos para ser juzgados, y emitirá sentencia según el caso.

Segundo: Por parte de la Gran Bretaña, y en el Tribunal que resida en algún destino dentro del territorio de la Confederación Argentina; si la vacante fuere la del juez Británico, su encargo será desempeñado por el arbitrador

trator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of British arbitrator shall be filled successively, by the British Consul and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to and resident in such place; and if the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul, if there be a British Consul and a British Vice-Consul appointed to and resident in such place; and if there shall be no British Consul or British Vice-Consul to fill the place of British arbitrator, then the Argentine arbitrator shall be called in, in these cases in which a British arbitrator, if there were any, would be called in; and in case the vacancy be both of the British judge and British arbitrator, and there be neither British Consul nor British Vice-Consul to fill, *ad interim*, the vacancies, then the Argentine judge and Argentine arbitrator shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

Thirdly: On the part of the Argentine Republic, and in that Court which shall sit within the territories of that Republic, if the vacancy be that of the Argentine judge, his place shall be filled by the Argentine arbitrator; and either in that case, or if the vacancy be originally that of the Argentine arbitrator, the place of such arbitrator shall be filled, successively, by the highest civil authority resident in such possession, by the principal magistrate of the same,

Británico: y ya en aquel caso, ó si la vacante fuese originariamente la del arbitrador Británico, el destino de arbitrador Británico será desempeñado sucesivamente por el Cónsul Británico y Vice-Cónsul Británico, si hubiese un Cónsul Británico ó Vice-Cónsul Británico nombrados allí y residentes en aquel punto; y si la vacante fuese de ambos el juez Británico y arbitrador Británico, entonces la vacante del juez Británico será desempeñada por el Cónsul Británico, y la del arbitrador Británico, por el Vice-Cónsul Británico, si hubiese algun Cónsul Británico ó Vice-Cónsul Británico nombrados para el dicho lugar y residentes en él; y si no hubiese allí Cónsul Británico ó Vice-Cónsul Británico para desempeñar el destino de arbitrador Británico, entonces el arbitrador Argentino será llamado en aquellos casos en que habría sido llamado un arbitrador Británico, si lo hubiese; y en caso que la vacante fuese de ambos el juez Británico y arbitrador Británico, y ni existiese Cónsul Británico ni Vice-Cónsul Británico para desempeñar, *ad interim*, las vacantes, entonces el juez Argentino y arbitrador Argentino se reunirán, y procederán a juzgar todos los casos promovidos ante ellos para ser juzgados, y emitirán sentencia según el caso.

Tercero: Por parte de la República Argentina, y en aquel Tribunal que resida dentro del territorio de esta República; si la vacante fuese la del juez Argentino, su destino será llenado por el arbitrador Argentino; y ya en aquel caso, ó si la vacante fuese originariamente la del arbitrador Argentino, el lugar de tal arbitrador será llenado sucesivamente por la autoridad civil mas alta residente en dicho territorio, por el principal magistrado de la misma, y por el

and by the secretary of the Government; which, if the Court is held at Buenos Ayres, will be ex-ecuted by the President of the Court of Appeal, by the senior member of that Court, and by the Attorney-General of the province: and the said Court, so constituted as above, shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

Fourthly : On the part of the Argentine Republic, and in that Court which shall sit within the possessions of Her Britannic Majesty, if the vacancy be that of the Argentine judge, his place shall be filled by the Argentine arbitrator; and, either in that case, or if the vacancy be originally that of the Argentine arbitrator, the place of the Argentine arbitrator shall be filled successively, by the Argentine Consul and Argentine Vice-Consul, if there be an Argentine Consul or Argentine Vice-Consul appointed to and resident in such possession; and if the vacancy be both of the Argentine judge and of the Argentine arbitrator, then the vacancy of the Argentine judge shall be filled by the Argentine Consul, and that of the Argentine arbitrator by the Argentine Vice-Consul, if there be an Argentine Consul and an Argentine Vice-Consul appointed to and resident in such possession; and if there be no Argentine Consul or Argentine Vice-Consul to fill the place of Argentine arbitrator, then the British arbitrator shall be called in, in those cases in which an Argentine arbitrator would be called in; and in case the vacancy be both of the Argentine judge and Argentine arbitrator, and there be neither Argentine Consul nor Argentine Vice-Consul to fill, *ad interim*, the vacancies, then the British judge and British arbitra-

secretario del Gobierno; que cuando residiese en Buenos Ayres, será desempeñado por el Presidente del Tribunal de Apelación; por el decano de este Tribunal, y por el Fiscal General de la provincia; y el dicho Tribunal, así constituido como queda dicho, se reunirá, y procederá á juzgar todos los casos presentados ante él para sentencia, la que emitirá seguirá corresponda.

Cuarto : Por parte de la Confederación Argentina, y en aquel Tribunal que resida dentro de las posesiones de Su Magestad Británica; si la vacante fuese la del juez Argentino, su encargo será desempeñado por el arbitrador Argentino; y ya en aquel caso, ó como si la vacante fuese originariamente la del arbitrador Argentino, el empleo de arbitrador Argentino será desempeñado sucesivamente por el Cónsul Argentino y Vice-Cónsul Argentino, si hubiese Cónsul Argentino ó Vice-Cónsul Argentino nombrados para aquella posesión y residentes en ella; y si la vacante fuere de ambos el juez Argentino y arbitrador Argentino, entonces la vacante del juez Argentino será desempeñada por el Cónsul Argentino, y la del arbitrador Argentino por el Vice-Cónsul Argentino, si hubiere un Cónsul Argentino y un Vice-Cónsul Argentino nombrados para aquella posesión y residentes en ella; y si no hubiere Cónsul Argentino ó Vice-Cónsul Argentino para desempeñar el puesto de arbitrador Argentino, entonces el arbitrador Británico será llamado en aquellos casos en que sería llamado un arbitrador Argentino; y en caso que la vacante sea de ambos el juez Argentino y arbitrador Argentino, y ni hubiese Cónsul Argentino ni Vice-Cónsul Argentino para desempeñar, *ad interim*, las vacantes, entonces el

ther shall sit, and proceed to adjudicate all cases brought before them for adjudication, and shall pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Courts of Justice shall sit, shall, in the event of a vacancy arising either of the judge or of the arbitrator of the other High Contracting Party, forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period: and each of the High Contracting Parties agrees to fill up definitively, as soon as possible, the vacancies which may arise in the above-mentioned Courts, from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with Article XII of the Treaty signed by them on this day, the twenty-fourth of May, one thousand eight hundred and thirty-nine, that the preceding Regulations, consisting of ten Articles, shall be annexed to the said Treaty, and considered an integral part thereof. Signed this day, the twenty-fourth day of May, one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.

juez Británico y arbitrador Británico se reunirán, y procederán á juzgar todos los casos producidos ante ellos para ser juzgados, y emitirán sentencia segun el caso.

La mas elevada autoridad civil del establecimiento en que se reúne cualquiera de los Tribunales Mixtos de Justicia, en el caso de una vacante resultante ya del juez ó del arbitrador de la otra Alta Parte Contratante, lo manifestará inmediatamente á la autoridad civil mas alta del establecimiento mas próximo de semejante otra Alta Parte Contratante, á fin de que tal vacante sea provista á la mayor brevedad posible; y cada una de las Altas Partes Contratantes conviene proveer definitivamente tan luego como sea posible, las vacantes que provengan en los ya referidos Tribunales, por merte, ó por cualesquiera otras causas.

Los Plenipotenciarios abajo firmados han convenido, en conformidad con el Artículo XII del Tratado firmado por ellos hoy veinte y cuatro de Mayo, de mil ochocientos treinta y nueve, que el presente Reglamento, consistente de diez Artículos, será adicional al dicho Tratado, y considerado como una parte integrante del Tratado firmado hoy veinte y cuatro de Mayo, de mil ochocientos treinta y nueve.

(L.S.) FELIPE ARANA.

#### *Annex C. Regulations for the good treatment of liberated Negroes.*

ARTICLE I. The object of these Regulations is to secure to Negroes Liberated by virtue of the stipulations of the Treaty to which these Regulations form an Annex

#### *Adicional C. Reglamento para el buen tratamiento de los Negros libertados.*

ARTICULO I. El objeto de este Reglamento es asegurar á los Negros libertados en virtud de las estipulaciones del Tratado á que este Reglamento (designado bajo

(marked C), permanent good treatment, and full and complete freedom, in conformity with the humane intentions of the High Contracting Parties.

**ARTICULO II.** Immediately after sentence of condemnation shall have been passed by a Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, on a vessel charged with being concerned in Slave Trade, all Negroes who were on board such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government to whom belongs the cruiser which made the capture.

**ARTICULO III.** If the cruiser which made the capture is British, the British Government engages that the Negroes shall be treated in exact conformity with the laws in force in the British colonies, applicable to free-born or to emancipated Negroes.

**ARTICULO IV.** If the cruiser which made the capture is Argentine, then the Negroes shall be delivered over to the Argentine authorities of that place in the dominions of the Argentine Confederation, in which the Mixed Court of Justice is established; and the Argentine Government solemnly engages that such Negroes shall be there treated strictly according to the regulations in force at the time being in the Argentine Confederation, with respect to free Negroes. The Argentine Confederation further engages that those regulations shall always be framed with the view of securing honestly and faithfully to emancipated Negroes, unmolested liberty, good treatment, a knowledge of the tenets of the Christian religion, advancement in morality and civilization, and sufficient instruction in the mechanical arts to enable the said emancipated

la letra C) es una adición, un buen trato permanente, y extensa y completa libertad, de conformidad con las intenciones humanas de las Altas Partes Contratantes.

**ARTICULO II.** Inmediatamente despues que la sentencia de condena hubiese sido dada por algun Tribunal Mixto de Justicia establecido con arreglo al Tratado de que este Reglamento es adicional, sobre algun buque acusado de estar ocupado en el Tráfico de Esclavos, todos los Negros que se hallasen á bordo de dicho buque, y que fueran puestos á bordo para objetos de tráfico, serán entregados al Gobierno á que pertenezca el crucero que hizo la captura.

**ARTICULO III.** Si el crucero que hizo la captura fuese Británico, el Gobierno Británico se obliga á que los Negros serán tratados en conformidad exacta con las leyes vigentes en las colonias Británicas aplicables á los Negros libres de nacimiento ó emancipados.

**ARTICULO IV.** Si el crucero que hizo la captura fuese Argentino, entonces los Negros serán entregados á las autoridades Argentinas del lugar en los dominios de la Confederacion Argentina, en que el Tribunal Mixto de Justicia se halla establecido; y el Gobierno Argentino se obliga solemnemente á que tales Negros serán allí estrictamente tratados segun los reglamentos vigentes á la saison en la Confederacion Argentina con respecto á Negros libres. La Republica Argentina ademas se obliga á que aquellos reglamentos sean siempre trazados con la mira de asegurar honrosa y fielmente á los Negros emancipados, libertad tranquila, buen tratamiento, un conocimiento de los dogmas de la religion Cristiana, adelanto en moralidad y civilizacion, e instruccion suficiente en las artes mecanicas, para que los dichos Negro emaci-

Negroes to earn their own subsistence, as artisans, mechanics, or servants.

**ARTICLE V.** For the purpose which is explained in the following Article, there shall be kept in the office of the governor of that part of the possessions of the Argentine Confederation where the Mixed Court of Justice resides, a register of all emancipated Negroes; and in such register shall be entered, with scrupulous exactness, the names given to the Negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstance likely to contribute to the full and permanent liberty and welfare of such emancipated Negroes.

**ARTICLE VI.** The register to which the preceding Article refers, will serve to form a general return, which the governor of that part of the possessions of the Argentine Confederation where the Mixed Court of Justice resides, shall be bound to deliver every six months to the aforesaid Mixed Commission, in order to show the continued freedom of the Negroes emancipated under this Treaty, the improvement effected in their condition, and the progress made in their religious and moral instruction, and in their acquirement of the arts of life. The aforesaid return shall also specify the names and descriptions of such of the emancipated Negroes as shall have died since the period of the last return.

**ARTICLE VII.** The High Contracting Parties agree that if in future it should appear necessary to adopt new measures, in consequence of those which are laid down in this Annex turning out ineffectual, the said High Con-

pados puedan ganar su propia subsistencia como artesanos, mecánicos, y sirvientes.

**ARTICULO V.** Para el objeto que se explica en el siguiente Artículo, se llevará en el departamento del gobernador de aquel punto de las posesiones de la Confederación Argentina, donde el Tribunal Mixto de Justicia reside, un registro de todos los Negros emancipados; y en tal registro se insertará con escrupulosa exactitud, los nombres dados á los Negros, los nombres de los buques en que fueron capturados, los nombres de las personas á cuyo cuidado hubiesen sido encomendados, y cualesquieras otras circunstancias que puedan contribuir á la completa y permanente libertad y bien estar de semejantes Negroes emancipados.

**ARTICULO VI.** El registro á que se refiere el anterior Artículo, servirá para formar una lista general que el gobernador de aquel punto de las posesiones de la Confederación Argentina, en que el Tribunal Mixto de Justicia reside, estará obligado á entregar cada semestre á la ya dicha Comisión Mixta, para comprobar la continuación de libertad de los Negroes emancipados con arreglo á este Tratado, la mejora efectuada en su condición, y el progreso hecho en su instrucción religiosa y moral, y en su adquisición de las artes de la vida. La predicha lista también especificará los nombres y descripciones de aquellos Negroes emancipados que hubiesen fallecido después del periodo de la última lista.

**ARTICULO VII.** Las Altas Partes Contratantes convienen que si en lo sucesivo pareciere necesario adoptar nuevas medidas, á consecuencia de que las establecidas en este Adicional resultasen ineficaces, las dichas Altas Partes

treating Parties will consult together, and will agree upon other means better adapted for the complete attainment of the objects they have in view.

ARTICLE VIII. The undersigned Plenipotentiaries have agreed, in conformity with the Thirteenth Article of the Treaty signed by them on this day, the twenty-fourth day of May, one thousand eight hundred and thirty-nine, that this Annex, consisting of eight Articles, shall be united to the said Treaty, and be considered an integral part thereof. This twenty-fourth day of May, one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.

Contratantes consultarán juntas, y convendrán sobre los medios mejor adaptados para el completo logro de los objetos que tienen en vista.

ARTICULO VIII. Los Plenipotenciarios infrascritos han convenido, en conformidad con el Artículo Decimo-tercio del Tratado firmado por ellos hoy veinte y cuatro de Mayo, de mil ochocientos treinta y nueve, que este Adicional, consistente de ocho Artículos, será unida al dicho Tratado, y será considerado como parte integrante del Tratado firmado hoy veinte y cuatro de Mayo, de mil ochocientos treinta y nueve.

(L.S.) FELIPE ARANA.

#### ARTICLES ADDITIONAL

*to the Treaty concluded this twenty-fourth day of May, one thousand eight hundred and thirty-nine, between Her Britannic Majesty and the Argentine Confederation, for the suppression of Slave Trade.*

#### ARTICULOS ADICIONALES

*al Tratado concluido este dia, veinte y cuatro de Mayo, de mil ochocientos treinta y nueve, entre Su Magestad Británica y el Gobierno de Buenos Ayres, encargado de la Relaciones Exteriores de la Confederación Argentina, para la supresion del Tráfico de Esclavos.*

ARTICLE I. It is agreed and understood, that if there should be any delay in appointing the judge and the arbitrator to be nominated on the part of the Argentine Confederation, to act in each of the Mixed Courts of Justice to be established under this Treaty; or if those officers, after being appointed, should at any time be absent; then and in either of such cases, the judge and arbitrator who shall have been appointed on the part of Her Britannic Majesty, and who shall be present in the said Courts, shall, in the absence of the Argentine judge and arbitrator, proceed

ARTICULO I. Está convenido y entendido, que si mediase alguna demora en nombrar el juez y el arbitrador que debe elegirse por parte de la Confederación Argentina para emplearse en tal carácter en cada uno de los Tribunales Mixtos de Justicia que dabiétes establecerse según el Tratado; o si alguna vez, después de ser nombrados, aquellos oficiales se ausentasen, entonces y en cualesquier casos semejantes, el juez y arbitrador que hayan sido nombrados por parte de Su Magestad Británica, que se encuentren presentes en el dicho Tribunal, procederán,

to open the said Courts; and to adjudicate such cases as may be brought before them under the Treaty; and the sentence pronounced upon such cases by the said British judge and arbitrator shall have the same force and validity as if the judge and the arbitrator on the part of the Argentine Confederation had been appointed, and had been present and acting in the Mixed Courts in the cases in question.

**ARTICLE II.** It is also agreed, notwithstanding the provisions of the First Article of the Annex B, that so long as no Argentine judge and arbitrator shall have been nominated, it will be unnecessary for the Argentine Confederation to nominate the secretary or actuary mentioned in the said Article; that in the mean while the secretary or actuary of that Court which may exist within the territory of the Argentine Confederation, shall be named and paid by the Government of Her Britannic Majesty, and that the entire expense of both the Courts to be established under this Treaty, shall be borne by the Government of Her Britannic Majesty.

**ARTICLE III.** If, in the drawing up of this Treaty in the Spanish language, any involuntary error has been made in the translation, the English text is to be adhered to.

The present Additional Articles shall form an integral part of the Treaty for the suppression of the Slave Trade, signed this day, and shall have the same force and validity as if they were inserted word for word in that Treaty, and shall be ratified as soon as possible within the term of eight months from the date of the present Treaty.

en ausencia del juez y arbitrador Argentino, á hacer la apertura de dichos Tribunales, y á adjudicar en aquellos casos que sean producidos ante ellos segun el Tratado; y la sentencia pronunciada sobre tales casos por el dicho juez y arbitrador Britanicos, tendrá la misma fuerza y validez, como si el juez y arbitrador por parte de la Confederacion Argentina hubiesen sido nombrados, y hubiesen estado presentes y ejerciendo su encargo en los Tribunales Mixtos en los casos en cuestion.

**ARTICULO II.** Tambien se conviene, no obstante las provisiones del Primer Articulo del Adicional B, que mientras que no hubiesen sido nombrados juez y arbitrador, sera innecesario que la Confederacion Argentina nombre el secretario ó actuaria designado en dicho Articulo; que en el interin el secretario ó actuaria del Tribunal que exista dentro del territorio de la Confederacion Argentina, sera nombrado y pagado por el Gobierno de Su Magestad Britanica, y que todos los costos de ambos Tribunales que deben establecerse segun el Tratado, serán sufridos por el Gobierno de Su Magestad Britanica.

**ARTICULO III.** Si al vertirse este Tratado al idioma Espaniol, se incidiere en algun error involuntario en la traduccion, el texto Ingles deberá ser seguido.

Los presentes Articulos Adicionales formaran una parte integrante del Tratado para la supresion del Tráfico de Esclavos firmado hoy, y tendran la misma fuerza y validez, como si estuviesen insertos palabra por palabra en aquel Tratado, y seran ratificados tan pronto como sea posible dentro del término de ocho meses de la fecha del presente Tratado.

Done at Buenos Ayres, this twenty-fourth day of May, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.

Hecho en Buenos Ayres, hoy veinte y cuatro de Mayo, de mil ochocientos treinta y nueve.

(L.S.) FELIPE ARANA.

## 15. URUGUAY.

### SPECIAL ORDER.

*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS a Treaty between Great Britain and Uruguay, for the abolition of the Slave Trade, was signed at Monte-Video on the 13th of July, 1839, and Instructions for Cruizers, marked A, and Regulations for Mixed Courts of Justice, marked B, were annexed thereto, and declared to form an integral part thereof; and the ratifications of the same were exchanged on the 21st of January, 1842: and whereas the High Contracting Parties mutually agreed thereby, that ships of war of both countries, respectively furnished with the Instructions contained in Annex A to the Treaty, might search and send in for trial, vessels suspected of the illegal Traffic in Slaves: and whereas we think fit that Her Majesty's ship under your command should be one of those authorized to act under the Treaty,—

We furnish you with a copy of the said Treaty and its Annexes, marked A and B; and you are hereby expressly authorized, empowered, and ordered, to act in the suppression of the Traffic in Slaves according to the said Treaty.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To  
*Commander of Her Majesty's ship*

By command of their Lordships,  
SIDNEY HERBERT.

*Treaty between Her Majesty and the Oriental Republic of the Uruguay, for the abolition of the Traffic in Slaves. Signed at Monte-Video, July 13, 1839.*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Excellency the President of the Oriental Republic of the Uruguay, being mutually animated by a sincere desire to co-operate for the utter extinction of the barbarous Traffic in Slaves, have resolved to proceed to the conclusion of a Treaty for the special purpose of immediately attaining this object, so far as relates to the total and final abolition of the Slave Trade of the Oriental Republic of the Uruguay; and have respectively named for this purpose as their Plenipotentiaries, to wit:—

Her Britannic Majesty, John Henry Mandeville, Esquire, her Minister Plenipotentiary to the United Provinces of the Rio de la Plata;

And His Excellency the President of the Republic, Don José Ellauri, Doctor of Law, Minister of the Government, and for Foreign Affairs;

Who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon and concluded the following Articles:—

**ARTICLE I.** The Slave Trade of the Oriental Republic of the Uruguay is hereby formally declared to be henceforward totally and finally abolished in all parts of the world.

**ARTICLE II.** The President of the Oriental Republic of the Uruguay hereby engages, that immediately after the exchange of the ratifications of the present Treaty, and from time to time afterwards, as it may become needful, he will take the most effectual measures

su Magestad la Reyna del Reyno Unido de la Gran Bretaña e Irlanda, y Su Excelencia el Presidente de la Republica Oriental del Uruguay, hallandose mutuamente animadose del mas vivo deseo de cooperar á la completa extincion del barbaro Trafico de Esclavos, han resuelto proceder á la conclusion de un Tratado con el fin especial de conseguir este objeto, por lo que respecta á la total y final abolicion del Trafico de Esclavos de la Republica Oriental del Uruguay: y á este fin han nombrado por sus Plenipotenciarios, á saber:—

su Magestad Britanica, al Caballero Don Juan Enrique Mandeville, su Ministro Plenipotenciario cerca de las Provincias Unidas del Rio de la Plata;

y Su Excelencia el Presidente de la Republica, al Doctor Don José Ellauri, Ministro de Gobierno y Relaciones Exteriores;

los cuales, habiendo comunicado sus respectivos plenos poderes, y hallandolos en debida forma, han convenido y concluido los Articulos siguientes:—

**ARTICULO I.** El Comercio de Esclavos de la Republica Oriental del Uruguay es por este formalmente declarado, desde hoy en adelante, total y finalmente abolido en todas partes del mundo.

**ARTICULO II.** El Presidente de la Republica Oriental del Uruguay se compromete por el presente á tomar inmediatamente despues del cange de las ratificaciones de este Tratado, y despues, de tiempo en tiempo, segun sea necesario, las mas efficaces medidas para

for preventing the citizens of the Oriental Republic of the Uruguay from being concerned, and the flag of that Republic from being used in carrying on, in any way, the Trade in Slaves; and especially, that within two months after the said exchange, he will promulgate throughout the territories of the Oriental Republic of the Uruguay, a penal law, inflicting a punishment the most severe on all those citizens of that Republic who shall, under whatsoever pretext, take any part whatever in the Traffic in Slaves.

ARTICLE III. His Excellency the President of the Oriental Republic of the Uruguay also engages that, in further pursuance of the stipulation contained in the 1st Article of this Treaty, he will take the necessary means for assimilating, as soon as possible, the laws of the Oriental Republic of the Uruguay, to those of Great Britain, in as far as regards the crime of Slave Trading; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Excellency the President of the Oriental Republic of the Uruguay, hereby mutually engage, that, by an Additional Convention hereafter to be concluded between the two High Contracting Parties to the present Treaty, they will concert and settle the details of the measures by which the law of piracy, which will then become applicable to that traffic by the legislation of each of the two countries, shall be immediately and reciprocally carried into execution with respect to the vessels and subjects or citizens of each.

ARTICLE IV. In order more completely to prevent all infringement of the spirit of the present Treaty, the two High Contracting Parties mutually consent, that

impedir que los ciudadanos de la Republica Oriental del Uruguay se interesen de modo alguno en hacer el Comercio de Esclavos, y que se use del pabellon de la Republica para dicho comercio; y especialmente se compromete á promulgar dentro de dos meses despues de verificado el dicho change, una ley penal en todo el territorio de la Republica Oriental del Uruguay, imponiendo el mas severo castigo á todos los ciudadanos de la dicha Republica, que por cualquier pretexto, tomen la menor parte en el Trafico de Esclavos.

ARTICULO III. Su Excelencia el Presidente de la Republica Oriental del Uruguay se compromete tambien, en prosecucion de la estipulacion contenida en el Primer Artículo de este Tratado, á tomar las medidas necesarias para asimilar, tan pronto como ser posible, las leyes de la Republica Oriental del Uruguay, á las de la Gran Bretaña, por lo que respecta al crimen del Trafico de Esclavatura; y Su Magestad la Reyna del Reyno Unido de la Gran Bretaña é Irlanda, y Su Excelencia el Presidente de la Republica Oriental del Uruguay, se obligan mutuamente por este, á concertar y arreglar, por medio de una Convencion Adicional al presente Tratado, que debe celebrarse mas adelante entre las dos Altas Partes Contratantes, todos los pormenores de la medida que se adopte para poner en ejecucion inmediata y reciproicamente la ley de pirateria aplicable á dicho trafico, segun la legislacion de cada uno de los dos paises, con respecto á los buques y subditos á ciudadanos de cada uno.

ARTICULO IV. Para impedir mas completamente toda contravencion al espiritu del presente Tratado, las dos Altas Partes Contratantes consienten mutuamente,

those ships of their navies respectively, which shall be provided with special Instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations, as may be suspected, upon reasonable grounds, of being engaged in the Traffic in Slaves, or of having been fitted out for the purposes thereof, or of having, during the voyage on which they are met with by the said cruizers, been engaged in the Traffic in Slaves, contrary to the provisions of this Treaty; and that such cruizers may detain, and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

ARTICLE V. In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed:—

1º. That all ships of the navies of the two nations which shall be hereafter employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present Treaty; of the Instructions for cruizers, annexed thereto, *sub literā A*; and of the Regulations for the Mixed Courts of Justice, annexed thereto, *sub literā B*; which Annexes respectively shall be considered as an integral part of the Treaty.

2º. That each of the High Contracting Parties shall from time to time communicate to the other, the names of the several ships furnished with such Instructions, the force of each, and the names of their several commanders.

3º. That if at any time there shall be just cause to suspect that any merchant vessel, under the flag and proceeding under convoy

en que los buques de sus escuadras respectivas que tengan Instrucciones especiales para aquel objeto, como en adelante se dirá, puedan visitar aquellas embarcaciones mercantes de las dos naciones, que por motivos razonables se sospeche de que se emplean en el Trafico de Esclavos, ó de que han sido equipadas para este objeto, ó de que, durante el viaje en que fuesen encontradas por los dichos cruceros, se hayan ocupado en el Trafico de Esclavos, en contravención á las disposiciones de este Tratado; y que los dichos cruceros puedan detener, y mandar ó conducir dichas embarcaciones, para ser sometidas á juicio del modo que en adelante se convendrá.

ARTICULO V. Para arreglar el modo de poner en ejecución las estipulaciones del precedente Artículo, se conviene:

1º. Que todos los buques de las escuadras de las dos naciones que se emplearen en impedir el Trafico de Esclavos, serán provistos por sus respectivos Gobiernos con una copia, en idioma Ingles y Español, del presente Tratado; de las Instrucciones para los cruceros anexas á él (con la letra A); y de los Reglamentos para los Tribunales Mixtos de Justicia, anexos á él (con la letra B); las cuales piezas anexas respectivamente, serán consideradas como parte integrante del Tratado.

2º. Que cada una de las Altas Partes Contratantes comunicará á la otra, de tiempo en tiempo, los nombres de los diversos buques provistos con tales Instrucciones, la fuerza de cada uno de ellos, y el nombre de sus respectivos comandantes.

3º. Que si en algún tiempo, hubiere justos motivos para sospechar que algún buque mercante, bajo el pabellón de cualquiera de

of any ship or ships of war of either of the Contracting Parties, is engaged, or intended to be engaged, in the Traffic in Slaves, or is fitted out for the purposes thereof, or has, during the voyage on which she may be met with, been engaged in the Traffic in Slaves ; it shall be lawful for the commander of any ship of the navy of either of the two High Contracting Parties, furnished with such Instructions as aforesaid, to visit such merchant vessel ; and such commander shall proceed to effect the same, in communication with the commanding officer of the convoy, who, it is hereby agreed, shall give every facility to such visit, and to the eventual detention of such merchant vessel ; and in all things shall assist, to the utmost of his power, in the due execution of the present Treaty, according to the true intent and meaning thereof.

4°. It is further mutually agreed, that the commanders of the ships of the two navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid Instructions.

ARTICLE VI. As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur, by the arbitrary and illegal detention of their vessels ; it being understood that this indemnity shall invariably be borne by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention ; and that the visit and detention of vessels, specified in the IVth Article of this Treaty, shall only be effected by those British or Monte-Videan

las Partes Contratantes, y nave-gando en convoy de alguna em-baracion ó embarcaciones de guerra de las mismas, se emplea, ó va destinado á emplearse, en el Trafico de Negros, ó que está apa-rejado para aquel objeto, ó que durante el viaje en que sea en-contrado, se ha ocupado en el Trafico de Esclavos, está legal-mente autorizado el comandante de cualquier buque de la armada de cualquiera de las dos Altas Partes Contratantes, provisto con las Instrucciones arriba menciona-das, para visitar el tal buque mer-cante ; y el dicho comandante procederá á verificarlo, comuni-candolo al oficial comandante del convoy, el cual, se conviene por este, prestará todas las facilidades para efectuar la visita, y para la detencion eventual de tal buque mercante ; y lo auxiliará en todo, con todo su poder, en la ejecucion del presente Tratado, segun su verdadero objeto y espiritu.

4°. Se conviene ademas mutua-mente, que los comandantes de los buques de las dos marinas, res-pectivamente, que fuesen emplea-dos en este servicio, se adherirán estrictamente al tenor exacto de las antedichas Instrucciones.

ARTICULO VI. Como los dos Articulos precedentes son entera-mente reciprocos, las dos Altas Partes Contratantes se compro-meten mutuamente á abonar cuan-dquieras perdidas que se occasionasen á sus respectivos subditos ó ci-udadanos por la arbitraría é ilegal detencion de sus buques ; enten-diendose que esta indemnizacion será invariablemente soportada por el Gobierno á quien pertene-can los cruzeros que se hayan hecho culpables de tales arbitra-rias é ilegales detenciones ; y que la visita y detencion de buques, especificada en el Artículo IVº de

ships which may form part of the  
navies, royal and national respec-  
tively, of the two High Contract-  
ing Parties to the Treaty ; and by  
those only of such ships which are  
provided with the special Instruc-  
tions annexed to the present  
Treaty, in pursuance of the provi-  
sions thereof.

**ARTICLE VII.** In order to bring  
to adjudication, with as little de-  
lay and inconvenience as possible,  
the vessels which may be detained  
according to the tenor of the IVth  
Article of this Treaty, there shall  
be established, within the space of  
a year at farthest from the ex-  
change of the ratifications of the  
present Treaty, two mixed Courts  
of Justice, formed of an equal  
number of individuals of the two  
nations, named for this purpose by  
the two High Contracting Parties  
respectively.

These Courts shall reside, one  
in a possession belonging to Her  
Britannic Majesty, the other within  
the territories of the Oriental  
Republic of the Uruguay; and the  
two Governments, at the period of  
the exchange of the ratifications of  
the present Treaty, shall declare,  
each for its own territories, in  
what places the Courts shall re-  
spectively reside, each of the two  
High Contracting Parties reserv-  
ing to itself the right of changing  
at its pleasure the place of resi-  
dence of the Court held within its  
own territories; provided, how-  
ever, that one of the two Courts  
shall always be held upon the  
coast of Africa, and the other in  
one of the possessions of the Ori-  
ental Republic of the Uruguay.

These Courts shall judge the  
causes submitted to them accord-  
ing to the provisions of the pre-  
sent Treaty, without appeal ; and

este Tratado, solamente podré  
hacerse por embarcaciones Ingle-  
sas ó Monte-Videanas que fueren  
parte de la marina real é nacional,  
respectivamente, de las dos Altas  
Partes Contratantes de este Tra-  
tado ; y solo por aquellas de di-  
chas embarcaciones que estén pro-  
vistas con las Instrucciones espe-  
ciales anexas al presente Tratado,  
en consecuencia de lo en él estipa-  
lado.

**ARTICULO VII.** Para poder ha-  
cer con la menor demora é incon-  
veniente posible, la adjudicación  
de los buques que sean deteni-  
dos en conformidad al tenor del  
Artículo IVº de este Tratado, se  
establecerán, dentro del término  
de un año, á lo mas, contado desde  
el cambio de las ratificaciones del  
presente Tratado, dos Tribunales  
Mixtos de Justicia, formados de un  
numero igual de individuos de las  
dos naciones, nombrados á este fin  
por las dos Altas Partes Contra-  
tantes respectivamente.

Estos Tribunales residirán, uno  
en posesiones pertenecientes á Su  
Magestad Britanica, y el otro en  
territorio de la Republica Oriental  
del Uruguay ; y los dos Gobiernos,  
al tiempo de canjearse las ratifi-  
caciones del presente Tratado, de-  
clararán, cada uno para sus terri-  
torios, en que lugares residirán  
respectivamente ; reservándose ca-  
da una de las dos Altas Partes  
Contratantes el derecho de cam-  
biar á su agrado, el lugar de la  
residencia del Tribunal estable-  
cido en el territorio de su perti-  
nencia, con tal, sin embargo, que  
uno de los dos Tribunales resida  
siempre en la costa de Africa, y el  
otro en una de las posesiones de la  
Republica Oriental del Uruguay.

Estos Tribunales juzgarán las  
causas que se les sometan en con-  
formidad á lo dispuesto en el pre-  
sente Tratado, sin apelación, y

according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

**ARTICLE VIII.** In case the commanding officer of any of the ships of the navies of Great Britain and Monte-Video, respectively, duly commissioned according to the provisions of the IVth Article of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and, in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which may have been committed.

**ARTICLE IX.** It is hereby further mutually agreed, that every merchant vessel, British or Monte-Videan, which shall be visited by virtue of the present Treaty, may lawfully be detained, and sent or brought before the Mixed Courts of Justice, established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things hereinafter mentioned, namely:—

1. Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

2. Divisions or bulkheads in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

3. Spare plank, fitted for laying down as a second, or slave-deck.

4. Shackles, bolts, or handcuffs.

según los Reglamentos e Instrucciones que van anexas al presente Tratado, y que se consideran como parte integrante de él.

**ARTICULO VIII.** En caso que el oficial comandante de alguno de los buques de la armada de la Gran Bretaña y de Monte-Video, respectivamente, debidamente comisionado en conformidad á lo dispuesto en el Artículo IVº de este Tratado, se desviese de alguna modo de las estipulaciones de dicho Tratado, ó de las Instrucciones anexas á él, el Gobierno que se considere agraviado por su conducto, tendrá el derecho de pedir una reparación; y en tal caso, el Gobierno á quien pertenezca el tal oficial comandante, se obliga á mandar hacer una investigación del hecho que motive la queja, e infiigir al dicho oficial un castigo proporcionado á cualquiera transgresión arbitraria que se haya cometido.

**ARTICULO IX.** Queda ademas mutuamente convenido, que todo buque mercante Ingles ó Monte-Videano, que fuese visitado en virtud del presente Tratado, pueda ser legalmente detenido, y mandado ó llevado ante los Tribunales Mixtos de Justicia, en conformidad á lo en él dispuesto, si en su equipo se encontrase alguna de las cosas que abajo se mencionan, á saber:—

1. Cuarteles de escotilla con rejas, en lugar de los cuarteles cubiertos que se usan en los buques mercantes.

2. Divisiones ó mamparos en la bodega ó sobre cubierta, en mayor numero que las que son necesarias para buques que hacen un comercio licito.

3. Tablones de repuesto, preparados como para armar una segunda cubierta para esclavos.

4. Cadenas, grillos, ó esposas.

5. A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel as a merchant vessel.

6. An extraordinary number of water casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the Custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel, that such extra quantity of casks or other vessels, should only be used for the reception of palm-oil, or for other purposes of lawful commerce.

7. A greater quantity of mess-tubs or kids, than are requisite for the use of the crew of the vessel as a merchant vessel.

8. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel as a merchant vessel; or more than one boiler of the ordinary size.

9. An extraordinary quantity either of rice, of the flour of Brazil, manioc, or cassada, commonly called farinha, of maize, or of Indian corn, beyond what might probably be requisite for the use of the crew; such rice, flour, maize, or Indian corn, not being entered on the manifest as part of the cargo for trade.

Any one or more of these several circumstances, if proved, shall be considered as *prima facie* evidence of the actual employment of the vessel in the Slave Trade; and unless it be established by satisfactory evidence upon the part of the master or owners, that such vessel was, at the time of her detention or capture, employed in some legal pursuit, the vessel shall

5. Mayor cantidad de agua, bien en cacos ó en cisternas, que la que se necesita para el consumo de la tripulacion del buque como buque mercante.

6. Un numero extraordinario de cacos para agua, ó de otras vasijas propias para contener liquidos, á menos que el maestre exhiba un certificado de la aduana del lugar donde fué despachado, en que conste que los propietarios de la tal embarcacion han prestado fianza bastante de que la cantidad extraordinaria de cacos ú otras vasijas, solo se destina á recibir azeite, ó otros objetos de comercio lícito.

7. Mayor cantidad de tinas ó platos de rancho, que la que se necesita para el uso de la tripulacion del buque como buque mercante.

8. Un caldero de un tamaño no comun, y mayor que el que es necesario para el uso de la tripulacion del buque como buque mercante; ó mas de un caldero del tamaño ordinario.

9. Una cantidad extraordinaria de arroz, de harina del Brasil, mandioca, ó casave, comunmente llamada fariña, de maiz, ó trigo de Indias, en mayor cantidad de la que probablemente se requiere para el uso de la tripulacion; siempre que el tal arroz, harana, maiz, ó trigo de Indias, no esten comprendidos en el manifiesto como parte de su cargamento para comercio.

Una ó mas de estas diversas circunstancias, siempre que sean probadas, será considerada como una evidencia *prima facie* del empleo actual del buque en el Comercio de Esclavos; y á menos que el maestre ó dueños de dicho buque no pruebe de un modo satisfactorio, que el dicho buque se ocupaba al tiempo de su detencion ó captura en un trafico lícito, será

therupon be condemned, and declared lawful prize.

**ARTICLE X.** If any of the things specified in the preceding Article shall be found in any merchant vessel, no compensation for losses, damages, or expenses consequent upon the detention of such vessel, shall, in any case, be granted either to her master, or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Court of Justice should not pronounce any sentence of condemnation in consequence of her detention.

**ARTICLE XI.** It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained under this Treaty, by their respective cruisers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall, consequently, be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

**ARTICLE XII.** Each of the two High Contracting Parties most solemnly binds itself to guarantee the liberty of the Negroes who may be emancipated under the present Treaty by the Mixed Courts of Justice sitting within the colonies or possessions of such Government; and to afford, from time to time, and whenever demanded by the other party, or by the members of the Mixed Court of Justice by whose sentence the Slaves shall have been liberated, the fullest information as to the state and condition of such Negroes, with a view of insuring the due execution of the Treaty in this respect.

por el hecho condenado y declarado buena presa.

**ARTICULO X.** Si alguna de las cosas especificadas en el Artículo precedente se encontrasen en cualquier buque mercante, no se concederá en ningún caso al maestro ó dueños de dicho buque, ó á cualquiera otra persona interesada en él ó en su carga, compensación alguna por perdidas, daños, ó costos consiguientes á su detención, aun cuando el Tribunal Mixto de Justicia no pronunciase sentencia alguna de condenación en consecuencia de su detención.

**ARTICULO XI.** Se conviene por este, entre las dos Altas Partes Contratantes, que en todos los casos en que un buque fuere detenido en virtud de este Tratado, por sus respectivos cruceros, por haberse ocupado en el Trafico de Esclavos, ó por haber sido aprestado para objetos de dicho trafico, y fuese adjudicado ó condenado por los Tribunales Mixtos de Justicia que han de establecerse como en lo dicho, el dicho buque será deshecho enteramente, y vendido en partes separadas despues de haber sido deshecho.

**ARTICULO XII.** Cada una de las dos Altas Partes Contratantes se obliga, del modo mas solemne, á garantir la libertad de los Negros que sean emancipados en virtud del presente Tratado, por el Tribunal Mixto de Justicia que residá en las colonias ó posesiones del tal Gobierno; y á transmitir de tiempo en tiempo, y siempre que sea solicitado por la otra Parte, ó por los miembros del Tribunal Mixto de Justicia en virtud de cuya sentencia se hubieren libertado los Esclavos, las informaciones más completas acerca del estado y condición de tales Negros, con la mira de asegurar la debida ejecución del Tratado á este respecto.

For this purpose the Regulations annexed to this Treaty, *sob litera C*, as to the treatment of Negroes liberated by sentence of the Mixed Court of Justice, have been drawn up, and are declared to form an integral part of this Treaty: the two High Contracting Parties reserving to themselves the right to alter by common consent and mutual agreement, but not otherwise, the terms and tenor of such Regulations.

**ARTICLE XIII.** The Acts or Instruments annexed to this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follow:

A. Instructions for the ships of the navies of both nations destined to prevent the Traffic in Slaves.

B. Regulations for the Mixed Courts of Justice, which are to hold their sittings on the coast of Africa, and in one of the possessions of the Oriental Republic of the Uruguay.

C. Regulations as to the treatment of liberated Negroes.

**ARTICLE XIV.** The present Treaty, consisting of fourteen Articles, shall be ratified, and the ratifications thereof exchanged within the space of eight months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed in duplicate originals, English and Spanish, the present Treaty, and have thereunto affixed the seal of their arms.

Done at Monte-Video, this thirteenth day of July, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.

A este fin se han formado los Reglamentos anexos á este Tratado bajo la letra C, para el trato de los Negros libertados por sentencia del Tribunal Mixto de Justicia, los cuales Reglamentos se declara, que forman parte integrante de este Tratado: reservandose á si mismas las dos Altas Partes Contratantes el derecho de alterar, de comun consentimiento y mutuo acuerdo, pero no de otro modo, los terminos y el tenor de tales Reglamentos.

**ARTICULO XIII.** Las Actas é Instrumentos anexos á este Tratado, y los cuales se ha convenido mutuamente, que formarán parte integrante de él, son como sigue:—

A. Instrucciones para los buques de la armada de las dos naciones, destinados á impedir el Trafico de Esclavos.

B. Reglamentos para los Tribunales Mixtos de Justicia que han de tener su asiento en la costa de Africa, y en una de las posesiones de la Republica Oriental del Uruguay.

C. Reglamentos para el trato que ha de darse á los Negros libertados.

**ARTICULO XIV.** El presente Tratado, que consiste de catorce Artículos, será ratificado, y las ratificaciones de él cangeadas en el espacio de ocho meses desde la fecha, ó antes si fuere posible.

En testimonio de lo cual los respectivos Plenipotenciarios han firmado en originales duplicados, Ingles y Espanol, el presente Tratado, y le han puesto el sello de sus armas.

Dado en Monte-Video, hoy trece dia de Julio, del año de nuestro Señor de mil ochocientos treinta y nueve.

(L.S.) José ELLAUBL.

*Annex A to the Treaty between Great Britain and the Oriental Republic of the Uruguay, for the abolition of the Slave Trade of the Oriental Republic of the Uruguay, of the 13th July, 1839.*

*Instructions for the Ships of the British and Monte-Videan Navies employed to prevent the Traffic in Slaves.*

ARTICLE I. The commander of any ship belonging to the navy of Her Britannic Majesty, or of the Oriental Republic of the Uruguay, which shall be furnished with these Instructions, shall have a right to visit, search, and detain, any British or Monte-Videan merchant vessel which shall be actually engaged, or suspected to be engaged, in the Slave Trade, or to be fitted out for the purposes thereof, or to have been engaged in the Traffic in Slaves during the voyage on which she may be met with by such ship of the British or Monte-Videan navy; and such commander shall thereupon bring or send such merchant vessel, as soon as possible, for judgment before that one of the two Mixed Courts of Justice, established in virtue of the VIIth Article of the said Treaty, which shall be nearest to the place of detention, or which such commander shall, upon his own responsibility, think can be soonest reached from such place.

All and every vessel under the Oriental flag, which shall be actually engaged, or suspected to be or to have been engaged, in the Slave Trade, is to be considered an Oriental vessel: it being mutually understood and agreed, that this is not to serve as a precedent as to what shall constitute an Oriental vessel, in the discussions which may hereafter be resumed for the

*Pieza Anexa A al Tratado entre la Gran Bretaña y la Republica Oriental del Uruguay, para la abolicion del Trafico de Esclavos de la Republica Oriental del Uruguay, del 13 de Julio, 1839.*

*Instrucciones para los Buques de las Armadas Inglesa y Monte-Videana empleados para impedir el Trafico de Esclavos.*

ARTICULO I. El comandante de cualquier buque perteneciente á la marina real de Su Magestad Britanica, ó á la nacional de la Republica Oriental del Uruguay, á quien se le comuniquen estas Instrucciones, tendrá el derecho de visitar, registrar, y detener á cualquiera buque Ingles ó Monte-Videano, que se ocupe, ó se sospeche que se ocupa, en el Trafico de Esclavos, ó que esté equipado para objetos de él, ó que se haya ocupado en el Trafico de Esclavos durante el viaje en que sea encontrado por el tal buque de la marina Inglesa ó Monte-Videana; y el dicho comandante conducirá ó enviará el tal buque mercante, lo mas pronto posible, para ser juzgado, ante uno de los Tribunales Mixtos de Justicia establecidos en virtud del Artículo VII del dicho Tratado, que esté mas inmediato al lugar de la detencion, y adonde pudiera llegar mas pronto á juicio del dicho comandante y bajo su responsabilidad.

Todos y cada uno de los buques bajo la bandera Oriental, que se ocupen actualmente, ó se sospeche que se ocupan ó se hubiesen ocupado, en el Trafico de Esclavos, debe considerarse buque Oriental, siendo mutuamente entendido y acordado, que esto no ha de servir como un antecedente para constituirlo Oriental en las discusiones que puedan iniciares en lo suce-

negotiation of a Treaty of Commerce.

ARTICLE II. Whenever a ship of either of the said navies, duly authorized as aforesaid, shall meet a merchantman liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navies of Great Britain and of the Oriental Republic of the Uruguay, respectively, or by the officer who at the time shall be second in command of the ship by which such search is made.

ARTICLE III. The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant-vessel in pursuance of the tenor of the present Instructions, shall leave on board the vessel so detained, the master, the mate, or boatswain, and two or three, at least, of the crew thereof; the whole of the Slaves, if any; and all the cargo.

The captor shall, at the time of detention, draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel; such declaration to be signed by himself, and to be given in or sent, together with the captured vessel, to the Mixed Court of Justice, before which such vessel shall be carried for adjudication. He shall deliver to the master of the detained vessel a signed certificate of the papers seized on board the same, as well as of the number of Slaves found on board at the moment of detention.

In the authenticated declaration which the captain is hereby re-

sivo para la negociacion de un Tratado de Comercio.

ARTICULO II. Siempre que un buque de cualquiera de las dos armadas, debidamente autorizado en la forma prescripta, encontrase un buque mercante sujeto á ser visitada en virtud de lo dispuesto en dicho Tratado, se hará el registro del modo mas suave, y con todas las atenciones que deben observarse entre naciones aliadas y amigas; y en todos los casos el registro se hará por un oficial que no sea menos que teniente de la marina Inglesa ó Monte-Videana, ó por el oficial que á la sazon sea el segundo en el mando del buque, por el cual se haga el registro.

ARTICULO III. El comandante de cualquier buque de las dos armadas, debidamente autorizado en la forma dicha, que detenga cualquier buque mercante en consecuencia del tenor de las presentes Instrucciones, dejará abordo del buque detenido, al maestre, piloto ó contramaestre, y dos ó tres, á lo menos, de la tripulación de dicho buque; todos los Esclavos, si los hubiese; y todo su cargamento.

El aprehensor extenderá por escrito en el acto de la detención, una declaración auténtica, que manifieste el estado en que encontró el buque detenido; cuya declaración ha de ser firmada por él mismo, y entregada ó enviada, junto con el buque capturado, al Tribunal Mixto de Justicia, ante el cual sea conducido el buque para ser adjudicado. Entregará al maestre del buque detenido un certificado firmado de los papeles tomados á su bordo, así como del número de Esclavos que se encontrasen abordo al tiempo de la detención.

En la declaración auténtica que el captor está obligado á dar segun

quined to make, as well as in the certificate of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found on board of the vessel at the time of the detention.

The officer in charge of the vessel detained shall, at the time of bringing the vessel's papers into the Mixed Court of Justice, deliver in to the Court a paper, signed by himself and verified on oath, stating the changes which have taken place in respect to the vessel, her crew, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such paper.

**ARTICLE IV.** The Slaves shall not be disembarked, till after the vessel which contains them shall have arrived at the place of adjudication, in order that, in the event of her not being adjudged legal prize, the loss of the proprietors may be more easily repaired; and even after the arrival of the Slaves at such place, they are not to be landed without the permission of the Mixed Court of Justice.

But if urgent motives, deduced from the length of the voyage, the state of health of the Slaves, or from other causes, should require that either the whole or a portion of the Negroes should be disembarked before the vessel can arrive at the place at which one of the said Courts is established, the commander of the capturing ship may take upon himself the responsibility of so disembarking the Negroes, provided that such necessity, and the causes thereof, be stated in a certificate in proper form, and that this certificate shall be drawn up and entered at the time on the log-book of the detained vessel.

lo prevenido, así como en el certificado de los papeles tomados, insertaré su nombre, el nombre del buque aprehensor, la latitud y longitud del lugar en que se haya hecho la detención, y el numero de Esclavos hallados abordo del buque al tiempo de la detención.

El oficial encargado del buque detenido, al tiempo de pasar los papeles del buque al Tribunal Mixto de Justicia, entregará tambien al Tribunal un papel firmado por él, y bajo juramento, en que se expresen los cambios que hayan ocurrido respecto del buque, su tripulacion, Esclavos, si los hubiere, y su cargamento, entre el periodo de su detencion y el momento de entregar los dichos papeles.

**ARTICULO IV.** Los Esclavos no serán desembarcados hasta despues que el buque que los contiene haya llegado al lugar de su juzgamiento, para que en el caso de no ser juzgado buena presa, pueda repararse mas facilmente la perdida de los propietarios; y aun despues del arribo de los Esclavos al tal lugar, no deben desembarcarse sin permiso del Tribunal Mixto de Justicia.

Pero si motivos urgentes, deducidos de lo largo del viaje, del estado de salud de los Esclavos, ó por otras causas, exigiesen que el todo ó una parte de los Negros fuesen desembarcados antes de la llegada del buque al lugar en que se halle establecido uno de los dichos Tribunales, el comandante del buque aprehensor puede tomar sobre si la responsabilidad de desembarcar los Negros, con tal que esta necesidad, y los motivos de ella, se hagan constar en un certificado dado en debida forma, y que este certificado se extienda é inserte al mismo tiempo en el libro de diario del buque detenido.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed by them on this day, the thirteenth of July, one thousand eight hundred and thirty-nine, that the preceding Instructions, consisting of four Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

Done at Monte-Video, the thirteenth day of July, one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.

Los abajo firmados Plenipotenciarios han convenido, en conformidad con el Artículo XIII del Tratado firmado por ellos el dia trece de Julio, de mil ochocientos treinta y nueve, que las precedentes Instrucciones, constantes de cuatro Artículos, sean agregadas al dicho Tratado, y consideradas como parte integrante de él.

Fecho en Monte-Video, el dia trece de Julio, de mil ochocientos treinta y nueve.

(L.S.) José ELLAURI.

*Annex B to the Treaty between Great Britain and the Oriental Republic of the Uruguay, for the abolition of the Slave Trade of the Oriental Republic of the Uruguay, of the 13th July, 1839.*

*Pieza Anexa B al Tratado entre la Gran Bretaña y la República Oriental del Uruguay, para la abolición del Comercio de Esclavos de la República Oriental del Uruguay, del 13 de Julio, 1839.*

*Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa, and in the Possessions of the Oriental Republic of the Uruguay.*

*Reglamentos para los Tribunales Mixtos de Justicia que han de residir en la Costa de África, y en las Posesiones de la República Oriental del Uruguay.*

ARTICLE I. The Mixed Courts of Justice to be established under the provisions of the Treaty of which these Regulations are declared to be an integral part, shall be composed in the following manner :

The two High Contracting Parties shall each of them name a judge and an arbitrator, who shall be authorized to hear, and to decide without appeal, all cases of the capture or detention of the vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The judges and the arbitrators shall, before entering upon the duties of their office, respec-

ARTICULO I. Los Tribunales Mixtos de Justicia que han de establecerse en consecuencia de las estipulaciones del Tratado de que estos Reglamentos forman parte integrante, segun está declarado, se compondrán del modo siguiente :

Las dos Altas Partes Contratantes, cada una de por si, nombrará un juez y un arbitrador, que sean autorizados para oír y decidir, sin apelación, todos los casos de captura ó detención de buques que, en consecuencia de las estipulaciones del predicho Tratado, sean llevados ante ellos. Los jueces y los arbitradores, antes de entrar en el ejercicio de sus funciones, prestarán respectivamente

tively make oath before the principal magistrate of the places in which such Courts respectively shall reside, that they will judge fairly and faithfully; that they will have no preference, either for the claimants or the captors; and that they will act in all their decisions, in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a secretary or registrar, who shall be appointed by the Government of the country within the territories of which such Court shall reside. Such secretary or registrar shall register all the acts of such Court, and shall, previous to entering upon his office, make oath before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the secretary or registrar of the Court to be established on the coast of Africa, shall be paid by Her Britannic Majesty: and that of the secretary or registrar of the Court to be established in the possessions of the Oriental Republic of the Uruguay, by the Government of that Republic.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such Courts.

**ARTICLE II.** The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, Slaves, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing a vessel to adjudication; shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the vessel after the same shall have been

juramento ante el magistrado principal de los lugares en que respectivamente residan los tales Tribunales, de que juzgarán recta y fielmente; que no harán preferencia entre los demandantes y los captores; y pue obrarán, en todas sus decisiones, con sujecion á las estipulaciones del predicho Tratado.

Se agregará á cada uno de los Tribunales un secretario ó registrador, qui será nombrado por el Gobierno del pais en cuyo territorio resida el Tribunal. Este secretario ó registrador registrará todos los actos del Tribunal, y antes de entrar al ejercicio de sus funciones, prestará juramento ante el Tribunal para el cual está nombrado, de que se conducirá con el debido respeto hacia su autoridad, y actuará con fidelidad é imparcialidad en todos los asuntos relativos á su oficio.

El salario del secretario ó registrador del Tribunal que ha de establecerse en la costa de Africa, será pagado por Su Magestad Britanica; y el del secretario ó registrador del Tribunal que ha de establecerse en las posesiones de la Republica Oriental del Uruguay: por el Gobierno de la dicha Republica.

Cada uno de los dos Gobiernos costeará la mitad del monto total de los gastos accidentales de dichos Tribunales.

**ARTICULO II.** Los gastos en que incurra el oficial para la recepcion, mantenimiento, y cuidado del buque detenido, Esclavos, y cargamento, y los que cause la ejecucion de la sentencia; y todos los desembolzos ocasionados para traer el buque á juicio; se pagaran, en caso de ser condenado, de los fondos que producira la venta de todos los materiales del buque, despues de haber sido deshecho;

broken up, of the ship's stores, and of such parts of the cargo as shall consist of merchandise; and in case the proceeds arising from this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, excepting in the cases specified and otherwise provided for under Article X of the Treaty to which these Regulations form an Annex, and under Article VII of these Regulations.

**ARTICLE III.** The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruisers of either nation shall, in pursuance of the said Treaty, detain. These Courts shall judge, definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Courts shall take place as summarily as possible; and for this purpose, the Courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding Court shall reside.

The final sentence shall not, in any case, be delayed beyond the period of two months, whether on account of the absence of witnesses, or for any other cause, except upon the application of any of the parties interested; in which case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay,

del producto de los víveres del buque, y de la parte del cargamento que consista de mercadería; y en caso que los productos de estas ventas no fuesen suficientes para pagar los gastos, abonará la diferencia el Gobierno del país en cuyos territorios se haya hecho la adjudicacion.

Si el buque detenido fuese absuelto, los gastos ocasionados para traerlo á juicio serán pagados por el captor, menos en los casos especificados y para los cuales ya se ha provisto por el Artículo del Tratado á que van anexos estos Reglamentos, y por el Artículo VII de estos mismos Reglamentos.

**ARTICULO III.** Los Tribunales Mixtos de Justicia deben decidir sobre la legalidad de la detención de los buques, que en consecuencia del dicho Tratado, fuesen detenidos por los cruzeros de una u otra nación. Estos Tribunales juzgarán definitivamente y sin apelación, todas las cuestiones que originen la captura ó detención de dichos buques.

Los procedimientos de estos Tribunales serán lo mas sumarios posible; y á este fin, se les requiere que decidan cada caso, en cuanto sea practicable, dentro del término de veinte días, contados desde el en que el buque detenido hubiese sido traído al puerto donde residiese el Tribunal que lo juzgue.

En ningun caso se demorará la sentencia final mas de dos meses, bien sea por razon de la ausencia de testigos, ó por cualquier otra causa, menos cuando lo pidiese alguna de las partes interesadas; en cuyo caso, prestando la parte ó partes una fianza satisfactoria, de que tomarán sobre si los costos y riesgos de la demora, los Tribunales podrán á su arbitrio conceder

the Courts may, at their discretion, grant an additional delay, not exceeding four months.

Either party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

All the essential parts of the proceedings of the said Courts shall be written down in the language of the country in which they shall respectively reside.

#### ARTICLE IV. The form of the process shall be as follows:—

The judges appointed by the two nations respectively, shall, in the first place, proceed to examine the papers of the detained vessel, and to take the depositions of the master and commander, and two or three, at least, of the principal individuals on board of such vessel; as well as the declaration, on oath, of the captor, should it appear necessary, in order to enable them to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty; and in order that, according to this judgment, the vessel may be condemned or released.

In the event of the two judges not agreeing as to the sentence which they ought to pronounce in any case brought before them, whether with respect to the legality of the detention, the liability of the vessel to condemnation, or the indemnification to be allowed, or as to any other question which may arise out of the said capture; or in case any difference of opinion should arise between them as to the mode of proceeding in the said Court: they shall draw by lot the name of one of the two arbitrators so appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall

un nuevo plazo, que no exceda cuatro meses.

Cualquier de las partes estará en libertad de valerse de personas inteligentes, si lo consideran conveniente, para ayudarlo en la dirección de su causa.

Todas las partes esenciales de los procedimientos de los dichos Tribunales, se escribirán en el idioma del país en que respectivamente residan.

#### ARTICULO IV. La forma del proceso será la siguiente:

Los jueces nombrados por las dos naciones respectivamente procederán, en primer lugar, á examinar los papeles del buque detenido, y á recibir las deposiciones del maestre y comandante, y dos ó tres, á lo menos, de los principales individuos de abordo de dicho buque; así como la declaración jurada del captor, si les pareciere necesaria para poder formar su juicio, y pronunciar si el dicho buque ha sido justamente detenido ó no, en conformidad á las estipulaciones del predicho Tratado, y para que, segun su pronunciamiento, el buque sea condenado ó absuelto.

En caso que los dos jueces discorden en cuanto á la sentencia que deben pronunciar en cualquier causa puesta ante ellos, ya sea con respecto á la legalidad de la detención, ó sobre si el buque está ó no sujeto á condenación, ó sobre la indemnización que ha de acordarse, ó sobre cualquiera otra cuestión que se origine de la captura; ó en el caso que hubiere alguna diferencia de opinión entre ellos en cuanto al modo de proceder en el dicho Tribunal; sacarán á la suerte el nombre de uno de los arbitradores nombrados como se ha dicho, y este arbitrador, despues de haber considerado los procedimientos que han tenido

consult with the two above-mentioned judges on the case; and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

ARTICLE V. If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Court, claim a valuation of the damages which he may have a right to demand. The captor himself, and in his default his Government, shall remain responsible for the damages to which the master of such vessel, or the owners of the vessel or of her cargo, may be pronounced to be entitled.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject.

ARTICLE VI. If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the Slaves who shall have been brought on board for the purposes of commerce; and the said vessel, subject to the regulations in Article XI of the Treaty of this date, shall, as well as her cargo, be sold by public sale, for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

lugar, consultará con los jueces arriba mencionados sobre el caso; y se pronunciará la sentencia ó decisión en conformidad á la opinión de la mayoría de los tres.

ARTICULO V. Si el buque detenido fuese absuelto por sentencia del Tribunal, el buque y el cargamento, en el estado en que entonces se encontrasen, serán inmediatamente entregados al maestre, ó á la persona que lo represente; y el tal maestre u otra persona puede pedir ante el mismo Tribunal, una evaluacion de los prejuicios que tenga derecho á exigir. El aprehensor mismo, y en su defecto, su Gobierne, quedarán responsables de los perjuicios á que resulten acreedores el maestre ó dueños del buque ó de su cargamento, por declaracion del Tribunal.

Las Altas Partes Contratantes se obligan á pagar en el termino de un año desde la fecha de la sentencia, los costos y perjuicios que haya determinado el predicho Tribunal; quedando entendido y acordado, que estos costos y perjuicios serán abonados por el Gobierno del país de que sea subdito el captor.

ARTICULO VI. Si el buque detenido fuese condenado, será declarado buena presa, junto con el cargamento, de cualquier clase que sea, á excepcion de los Esclavos que hayan sido traídos abordo para objetos de comercio; y el dicho buque, sujeto á los reglamentos del Artículo XI del Tratado de esta fecha, será vendido, lo mismo que su cargamento, en publica subasta, á beneficio de los dos Gobiernos, sujetandose al pago de los gastos mas arriba mencionados.

The Slaves shall receive from the Court a certificate of emancipation; and shall be delivered over to the Government in whose territory the Court which shall have judged them shall be established, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty  
*sub litera C.*

The charges incurred for the support and for the return voyage of the commanders and crews of condemned vessels, shall be defrayed by the Government of which such commanders and crews are the subjects.

ARTICLE VII. The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively, and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases (save as mentioned in Article X of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations) wherein restitution of such vessels and cargoes shall be decreed, the Court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention, that is to say:—

1. In case of total loss, the claimant or claimants shall be indemnified,—

A. For the ship, her tackle, equipment, and stores.

B. For all freights due and payable.

C. For the value of the cargo or

Los Esclavos recibirán del Tribunal un certificado de emancipación, y serán entregados al Gobierno en cuyo territorio esté establecido el Tribunal que los hubiere juzgado, para disponer de ellos según los reglamentos y condiciones contenidas en la Pieza anexa á este Tratado bajo la letra C.

Los gastos hechos para el sostén y viaje del retorno de los comandantes y tripulaciones de los buques condenados, serán costeados por el Gobierno de que sean subditos los tales comandantes y tripulaciones.

ARTICULO VII. Los Tribunales Mixtos de Justicia conocerán también, y decidirán definitivamente sin apelación, en todas las demandas de compensación por perdidas ocasionadas á los buques y cargamentos que fuesen detenidos en virtud de las estipulaciones de este Tratado, pero que no hubiesen sido condenados como buena presa por los dichos Tribunales; y en todos los casos (menos en los mencionados en el Artículo X del Tratado á que van anexos estos Reglamentos, y en otro lugar subsiguiente de estos Reglamentos) en que se decretase la restitución de los tales buques y cargamentos, el Tribunal acordará al demandante ó demandantes, ó á su apoderado legal ó apoderados, una justa y completa indemnización por todas las costas de proceso, y por las perdidas y perjuicios que el dueño ó dueños hayan sufrido de resultas de la captura y detención, que es decir:—

1. En caso de perdida total, el reclamante ó reclamantes serán indemnizados:—

A. Por el buque, su aparejo, aprestos, y provisiones.

B. Por todos los fletes debidos y pagaderos.

C. Por el valor del cargamento.

merchandise, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

D. For all other regular charges in such case of total loss.

2. In all other cases, save as hereinafter mentioned, not of total loss, the claimant or claimants shall be indemnified,—

A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable.

B. For demurrage, when due, according to the Schedule annexed to the present Article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest, at the rate of five per cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs; the whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without having recourse to the decision of an arbitrator, that the captain has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses, consequent upon such detention.

6 mercaderías, si las hubiese, deduciéndose los gastos de venta del cargamento, y comisión de venta.

D. Por todas los demás gastos regulares en el dicho caso de perdida total.

2. En todos los demás casos que no sean de perdida total, menos en los que se especificarán abajo, el demandante ó demandantes serán indemnizados;—

A. Por todos los daños y gastos ocasionados al buque por la detención, y por la perdida del flete que se le debiere.

B. Por las estadias, que hubiere devengado, segun la Tarifa anexa al presente Artículo.

C. Por cualquier deterioro de su cargamento.

D. Por todo premio de seguro sobre reizgos adicionales.

El reclamante ó reclamantes será acreedor á un interes á razon de cinco por ciento al año, sobre la cantidad juzgado, hasta que esta cantidad le sea pagada por el Gobierno á quien pertenece el buque aprehensor; y el monto total de estas indemnizaciones será calculado en la moneda del país á que pertenece el buque detenido, y será liquidado al cambio corriente al tiempo del juzgamiento.

Las dos Altas Partes Contratantes han convenido, no obstante, en que si se probase, á satisfaccion de los jueces de las dos naciones, y sin recurrir á la decision de un arbitrador, que el captor ha sido inducido á error por culpa del maestre ó comandante del buque detenido, no tendrá este en tal caso derecho de recibir, por el tiempo de su detencion, la indemnizacion por estadias, estipulada en el presente Artículo, ni ninguna otra compensacion por perdidas, daños, y gastos consecuentes á la detencion.

*Schedule of demurrage or daily allowance for a vessel of*

Tons

100 to 120 inclusive	£5 per diem,
121 150	6 "
151 170	8 "
171 200	10 "
201 220	11 "
221 250	12 "
251 270	14 "
271 300	15 "

and so on in proportion.

**ARTICLE VIII.** Neither the judges, nor the arbitrators, nor the secretaries of the Mixed Courts of Justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries have to perform.

**ARTICLE IX.** The two High Contracting Parties have agreed that, in the event of the death, sickness, absence on leave, or any other legal impediment, of one or more of the judges or arbitrators composing the above-mentioned Courts respectively, the posts of such judge and of such arbitrator shall be supplied, *ad interim*, in the following manner:—

1. On the part of Her Britannic Majesty, and in that Court which shall sit within the possessions of Her said Majesty,—if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or in the case where the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled, successively, by the governor or lieutenant-governor resident in such possession; by the principal magistrate of the same; and by the secretary of the Government; and

*Tarifa de estadias, ó asignacion diaaria, para un buque de*

Toneladas

100 á 120 inclusive	5 por dia,
121 150	6 "
151 170	8 "
171 200	10 "
201 220	11 "
221 250	12 "
251 270	14 "
271 300	15 "

y asi en proporcion.

**ARTICULO VIII.** Ni los jueces, ni los arbitraores, ni los secretarios de los Tribanales Mixtos de Justicia, exigirán ni recibirán de ninguna de las partes interesadas en las causas que se lleven ante ellos, emolumento ó don alguno, bajo ningun pretexto, por el ejercicio de los deberes que estos jueces, arbitraores, y secretarios hayan tenido que desempeñar.

**ARTICULO IX.** Las dos Altas Partes Contratantes han convenido, que en caso de muerte, enfermedad, licencia, ó cualquier otro impedimento legal de uno ó mas de los jueces ó arbitraores que componen los expresados Tribanales respectivamente, se llene el puesto del tal juez ó arbitraor interinamente del modo siguiente:—

1. Por parte de Su Magestad Britanica, y en el Tribunal establecido dentro de las posesiones de dicha Su Magestad Britanica,—si la vacante es la del juez Ingles, será llenado su lugar por el arbitraor Ingles; y ya sea en este caso, ó en el de que la vacante sea originalment la del arbitraor Ingles, el lugar del tal arbitraor será llenado, sucesivamente, por el gobernador ó teniente-gobernador residente en aquella posesion; por el principal magistrado de la misma; y por el secretario del Gobierno; y el dicho Tribunal, asi por-

the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

2. On the part of Great Britain, and in that Court which shall sit within the possessions of the Oriental Republic of the Uruguay,—if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or in the case where the vacancy be originally that of the British arbitrator, his place shall be filled, successively, by the British Consul and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to, and resident in, such possession; and in the case where the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul, if there be a British Consul and British Vice-Consul appointed to, and resident in, such possession; and if there shall be no British Consul or British Vice-Consul to fill the place of British arbitrator, then the Monte-Videan arbitrator shall be called in, in those cases in which a British arbitrator, were there any, would be called in; and in case the vacancy be both of the British judge and British arbitrator, and there be neither British Consul nor British Vice-Consul to fill, *ad interim*, the vacancies, then the Monte-Videan judge and Monte-Videan arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

3. On the part of the Oriental Republic of the Uruguay, and in

estuido como se ha dicho, actuará, y en todos los casos que se lleven ante él para ser juzgados, procederá á juzgarlos y pronunciar sentencia ante él.

2. Por parte de la Gran Bretaña, y en el Tribunal establecido dentro de las posesiones de la República Oriental del Uruguay,—si la vacante es la del juez Ingles, será llenado su lugar por el arbitrador Ingles; y bien en este caso, ó en el de que la vacante sea originalmente la del arbitrador Ingles, su lugar será llenado sucesivamente por el Consul y Vice-Consul Ingles, si los hubiere y residiesen en dicha posesión; y en el caso en que la vacante fuese de los dos juez y arbitrador Ingles, entonces la vacante del juez Ingles será llenada por el Consul Ingles, y la del arbitrador Ingles, por el Vice-Consul Ingles, si hubiere un Consul y Vice-Consul nombrados y residentes en dicha posesión; y si no hubiere Consul ó Vice-Consul Ingles para llenar el lugar del arbitrador Ingles, entonces el arbitrador Monte-Videano entrará á suplirlo en todos los casos en que debiera suplirlo un arbitrador Ingles, si lo hubiera; y en caso que la vacante sea de ambos, es decir, del juez Ingles y del arbitrador Ingles, y no hubiese ni Consul ni Vice-Consul Ingles que llenase, *ad interim*, estas vacantes, entonces el juez Monte-Videano y el arbitrador Monte-Videano actuarán, y juzgarán en todos los casos que se lleven á juicio ante ellos.

3. Por parte de la República Oriental del Uruguay, y en el

that Court which shall sit within the territories of the said Republic,—if the vacancy be that of the Monte-Videan judge, his place shall be filled by the Monte-Videan arbitrator; and either in that case, or in the case where the vacancy be originally that of the Monte-Videan arbitrator, the place of such arbitrator shall be filled, successively, by the governor or lieutenant-governor resident in such possession; by the principal magistrate of the same; and by the secretary of the Government; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and pass sentence accordingly.

4. On the part of the Oriental Republic of the Uruguay, and in that Court which shall sit within the possessions of Her Britannic Majesty,—if the vacancy be that of the Monte-Videan judge, his place shall be filled by the Monte-Videan arbitrator; and either in that case, or in the case where the vacancy be originally that of the Monte-Videan arbitrator, his place shall be filled, successively, by the Monte-Videan Consul and Monte-Videan Vice-Consul, if there be a Monte-Videan Consul or Monte-Videan Vice-Consul appointed to, and resident in such possession; and in the case where the vacancy be both of the Monte-Videan judge and of the Monte-Videan arbitrator, then the vacancy of the judge shall be filled by the Monte-Videan Consul, and that of the Monte-Videan arbitrator by the Monte-Videan Vice-Consul, if there be a Monte-Videan Consul and a Monte-Videan Vice-Consul appointed to and resident in such possession; and in the case in which there be no Monte-Videan Consul or Monte-Videan Vice-

Tribunal establecido dentro de los territorios de la dicha Republica,—si la vacante fuese la del juez Monte-Videano, se llenará su lugar por el arbitrador Monte-Videano; y bien en este caso, ó en el de que la vacante sea originalmente la del arbitrador Monte-Videano, el lugar de dicho arbitrador será llenado sucesivamente por el gobernador ó teniente-gobernador residente en dicha posesión; por el magistrado principal de ella; y por el secretario del Gobierno: y el dicho Tribunal, así constituido como queda dicho, actuará, y en todos los casos que se lleven ante él para ser juzgados, procederán á juzgarlos.

4. Por parte de la Republica Oriental del Uruguay, y en el Tribunal establecido dentro de las posesiones de Su Magestad Britanica,—si la vacante es la del juez Monte-Videano, su lugar será llenado por el arbitrador Monte-Videano; y bien en este caso, ó en el de que la vacante sea originalmente la del arbitrador Monte-Videano, su lugar será sucesivamente llenado por el Consul ó Vice-Consul Monte-Videano, si los hubiese nombrados y residentes en dicha posesión; y en el caso en que la vacante fuere de ambos, es decir, del juez y del arbitrador Monte-Videano, entonces la vacante del juez será llenada por el Consul Monte-Videano, y la del arbitrador Monte-Videano por el Vice-Consul Monte-Videano, si los hubiese nombrados y residentes en dicha posesión; y en caso que no hubiese Consul ó Vice-Consul Monte-Videano, entonces entrará á suplirlo el arbitrador Ingles, para aquellos casos en que debiera suplirlo un arbitrador Monte-Videano si lo hubiera; y en caso que la vacante sea de ambos, es decir,

Consul to fill the place of Monte-Videan arbitrator, then the British arbitrator shall be called in, in those cases in which a Monte-Videan arbitrator, were there any, would be called in; and in case the vacancy be both of the Monte-Videan judge and Monte-Videan arbitrator, and there be neither Monte-Videan Consul nor Monte-Videan Vice-Consul to fill, *ad interim*, the vacancies,—then the British judge and British arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

The governor or lieutenant-governor of the settlement wherein either of the Mixed Courts of Justice shall sit, in the event of a vacancy arising either of the judge or the arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the governor or lieutenant-governor of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned Courts from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the XIII<sup>th</sup> Article of the Treaty signed by them on this day, the thirteenth of July, one thousand eight hundred and thirty-nine, that the preceding Regulations, consisting of nine Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

Done at Monte-Video, the thirteenth day of July, one thousand eight hundred and thirty-nine.

(v.s.) J. H. MANDEVILLE.

del juez Monte-Videano, y del arbitrador Monte-Videano, y no hubiera ni Consul ni Vice-Consul Monte-Videano para llenar, *ad interim*, las vacantes, entonces el juez Ingles y arbitrador actuarán, y en todos los casos que se lleven ante ellos para ser juzgados, procederán á juzgarlos y á pronunciar sentencia.

El gobernador ó teniente-gobernador del establecimiento en que tenga asiento alguno de los dos Tribunales Mixtos de Justicia, en caso de una vacante del juez ó del arbitrador de la otra Alta Parte Contratante, dará inmediatamente noticia de ella al gobernador ó teniente-gobernador del establecimiento mas cercano perteneciente á la otra Alta Parte Contratante, para que la dicha vacante sea llenada á la mayor brevedad posible; y cada una de las Altas Partes Contratantes conviene en llenar definitivamente, tan pronto como sea posible, las vacantes que resulten en los dichos Tribunales por muerte, ó por cualquiera otra causa.

Los abajo firmados Plenipotenciarios han convenido, en conformidad con el Artículo XIII del Tratado firmado por ellos hoy trece de Julio, de mil ochocientos treinta y nueve, que los Reglamentos precedentes, que consisten de nueve Artículos, corran anexos al dicho Tratado, y se consideren como parte integrante de el.

Monte-Video, el dia trece de Julio, de mil ochocientos treinta y nueve.

(L.S.) JOSÉ ELLAURI.

*Annex C. Regulations in respect to treatment of liberated Negroes.*

**ARTICLE I.** The object and purpose of these Regulations is to secure to Negroes liberated under the stipulations of the Treaty to which these Regulations form an Annex (*sub literā C*), permanent good treatment, and a full and complete emancipation, according to the humane intentions of the parties to the Treaty.

**ARTICLE II.** Immediately after sentence of condemnation upon a vessel charged with being concerned in illegal Slave Trade, shall have been passed by the Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, all Negroes who were on board of such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government of the place where such Court resides.

**ARTICLE III.** The Negroes so liberated and delivered over to the Government, shall be placed under the care and superintendence of a Board consisting of two members or commissioners, with a power to call in a third member, under the circumstances hereinafter stated.

In that colony or possession of Her Britannic Majesty in which, under the Treaty to which these Regulations form an Annex, a Mixed Court of Justice is to sit, the Board of Superintendence of the liberated Negroes shall consist of the governor of the said colony or possession, and of the Monte-Videan judge in the said Mixed Court of Justice; and when the Monte-Videan judge is absent, then the Monte-Videan

*Pieza Anexa C. Reglamentos relativos al trato que ha de darse á los Negros libertos.*

**ARTICULO I.** El objeto y propósito de estos Reglamentos es asegurar á los Negros libertados en virtud de las estipulaciones del Tratado á que estos Reglamentos van anexos, bajo la letra C, un buen trato permanente, y una emancipación entera y completa, en conformidad á las humanas intenciones de las Partes Contratantes del Tratado.

**ARTICULO II.** Inmediatamente después que el Tribunal Mixto de Justicia, establecido en virtud del Tratado de que estos Reglamentos forman una pieza anexa, haya pronunciado sentencia de condenación respecto de un buque acusado de estar empeñado en el Tráfico ilegal de Esclavos, todos los Negros que estubieren abordo de dicho buque, y que hubiesen sido conducidos en él por vía de negocio, serán entregados al Gobierno del lugar donde reside dicho Tribunal.

**ARTICULO III.** Los Negros así libertados y entregados al Gobierno, serán puestos al cuidado de una Comisión compuesta de dos miembros ó comisionados, facultados para nombrar un tercero en los casos que se expresan abajo.

En la colonia ó posesión de Su Magestad Británica en que, según el Tratado á que son anexos estos Reglamentos, existe un Tribunal Mixto de Justicia, la Junta de Superintendencia de los Negros manumitidos consistirá del gobernador de dicha colonia ó posesión, y del juez Monte-Videano del dicho Tribunal Mixto de Justicia; y cuando el juez Monte-Videano esté ausente, el arbitrador Monte-Videano sustituirá al juez en la

arbitrator of the said Mixed Court of Justice shall sit in the place of the judge, in the Board of Superintendence of liberated Negroes.

In that colony or possession of the Oriental Republic of the Uruguay, in which, under the present Treaty, a Mixed Court of Justice is to sit, the Board of Superintendence of the liberated Negroes shall consist of the governor of that colony or possession, and of the British judge in the said Mixed Court of Justice; and when the British judge is absent, then the British arbitrator of the said Mixed Court of Justice shall sit in the place of the judge, in the Board of Superintendence of liberated Negroes.

The several members of the Board of Superintendence shall, before entering upon their offices, respectively, take an oath, in the presence of the principal magistrate of the place, that they will faithfully execute their office, without favour or partiality, according to the true intent and meaning of these Regulations.

**ARTICLE IV.** In order the better to carry into effect the purposes intended by the present Regulations, a person of known probity and humanity shall be selected and appointed by the Board of Superintendence, to act under its directions, with the title of Curator of liberated Negroes; and such curator may, under the sanction of the Board, employ such persons as may be necessary to assist him in the execution of his duties.

The curator so appointed, shall, previously to his entering on the duties of his office, take, before the Board of Superintendence, an oath in the following words:—

I, A. B., do solemnly swear that I will act to the best of my skill and knowledge, faithfully and im-

Junta de Superintendencia de los Negros libertados.

En la colonia ó posesion de la Republica Oriental del Uruguay, en que resida un Tribunal Mixto de Justicia, en conformidad al presente Tratado, la Junta de Superintendencia de los Negros libertos, consistirá del gobernador de aquella colonia ó posesion, y del juez Ingles del dicho Tribunal Mixto de Justicia; y cuando el juez Ingles esté ausente, entonces el arbitrador Ingles del dicho Tribunal Mixto de Justicia funcionará en lugar del juez, en la Junta de Superintendencia de los Negros libertados.

Los varios miembros de la Junta de Superintendencia, antes de entrar á ejercer sus cargos, prestarán respectivamente juramento ante el principal magistrado del lugar, de desempeñar fielmente sus cargos, sin favor ni parcialidad, según el verdadero espiritu y objeto de estos Reglamentos.

**ARTICULO IV.** Para mejor llevar á efecto el fin propuesto en estos Reglamentos, la Junta de Superintendencia escogerá y nombrará una persona de conocida probidad y humanidad, que obre bajo sus órdenes, con el titulo de Curador de los Negros libertados; y este curador podrá, con autorización de la Junta, emplear las personas que sean necesarias, para ayudarlo en la ejecución de sus deberes.

El curador así nombrado, antes de entrar al ejercicio de sus funciones, prestará ante la Junta de Superintendencia, un juramento en los términos siguientes:—

Yo, A. B., juro solemnemente, que desempeñaré según mi saber y entender, fiel e imparcialmente,

partially in the execution of my office, and that I will conduct myself with due respect to the authority of the Board of Superintendence of liberated Negroes to which I am attached.

So help me God.

**ARTICLE V.** The curator of the liberated Negroes shall be personally present at the delivery of the Negroes to the person charged by the Government to receive them after the sentence of emancipation is passed, as specified in Article II of these Regulations.

Duplicate original receipts for the Negroes delivered over to the Government, specifying the number of each sex, shall, at the time when they are delivered as aforesaid, be made out and signed by the officer receiving them.

One original of such receipts shall be given to the person previously in charge of the Negroes, the other to the curator, who shall deposit the same in the registry of the Mixed Court of Justice which adjudicated the case of the vessel in which the Negroes were captured.

At the time of delivery of such Negroes to the Government in the manner hereinbefore mentioned, they shall be minutely inspected by the curator, who shall give to each Negro a name, which name shall then be entered by the curator, in a book to be called "Register of Emancipated Negroes," and to be kept for that purpose in the office of the Board of Superintendence; and opposite to the name shall be entered a description of the person, with the probable age, and bodily marks, and any particulars which can be ascertained regarding the nation and family of such Negro.

Each Negro shall then be marked on the upper part of the

los deberes de mi cargo, y que me conduciré con el respeto debido á la autoridad de la Junta de Superintendencia de Negros libertados, á que estoy agregado.

Así Dios me ayude.

**ARTICULO V.** El curador de los Negros libertados estará personalmente á la entrega que se haga de los Negros, á la persona encargada por el Gobierno para recibirlas, después de pronunciada la sentencia de condenación, como se ha especificado en el Artículo II de estos Reglamentos.

El empleado que los reciba extenderá y firmará recibos originales por duplicado, de los Negros que se entregan al Gobierno, especificando el numero de cada sexo, al tiempo que se le entreguen como se ha dicho arriba.

Uno de estos recibos originales se dará á la persona que estaba encargada de los Negros previamente, y el otro al curador, que lo depositará en el registro del Tribunal Mixto de Justicia que juzgó el caso del buque en que fueron capturados los Negros.

Al tiempo de la entrega de dichos Negros al Gobierno en el modo ya dicho, serán minuciosamente inspeccionados por el curador, el cual dará á cada Negro un nombre, cuyo nombre será entonces puesto por el curador en un libro que se llamará "Registro de Negros emancipados," y que se conservará á este fin en la oficina de la Junta de Superintendencia; y en frente del nombre se insertará una descripción de la persona, que comprenda la edad probable y señales corporales, y todas las particularidades que puedan servir de respecto de la nación y familia de tal Negro.

Cada Negro será después marcado en la parte superior del brazo

right, arm, with a small silver instrument, bearing for its device a symbol of freedom.

**ARTICLE VI.** The Board of Superintendence shall then make known, by public advertisement, its intention to apprentice out the liberated Negroes ; and after seven days have elapsed from the announcement of such intention, the hiring or apprenticing of the Negroes shall then take place, either by public auction or by tender, as may be thought best ; and the Negroes shall then be distributed to their hirers, upon the conditions and stipulations hereinafter mentioned ; which conditions and stipulations shall be published at the time of auction or tender, and shall also be embodied in a contract or indenture, to be entered into formally between the hirer and the aforesaid Board. The contract or indenture shall be made out in duplicate ; it shall be in print and not in writing ; one copy of it shall remain with the hirer, and the other with the Board, under the care of the curator.

When the sums offered by two or more different persons for the hiring of a Negro are equal, preference shall be given to the person who will undertake to employ such Negro as a mechanic or domestic servant.

**ARTICLE VII.** The period of service for which apprentices shall be bound, shall be seven years for all Negroes who, at the time of hiring, are above thirteen years of age ; but three of the seven years may be afterwards remitted, at the discretion of the Board, upon the recommendation of the master, and upon proof that the apprentice is capable of earning an honest livelihood, and is worthy of such indulgence.

derecho, con un pequeño instrumento de plata, que tenga por emblema un simbolo de la libertad.

**ARTICULO VI.** La Junta de Superintendencia hará luego saber por avisos publicos, su intencion de poner en aprendizage los Negros libertados ; y despues de transcurridos siete dias del anuncio, se darán á jornal ó en aprendizage, ya sea por almoneda ó por propuestas, como se crea mejor ; y los Negros serán luego distribuidos á sus patrones bajo las condiciones y estipulaciones mas abajo mencionadas, cuyas condiciones y estipulaciones serán publicadas al tiempo de la almoneda ó propuesta, y serán incorporadas en un contrato que se celebrará formalmente entre el patron y la predicha Junta. El contrato se extenderá por duplicado ; será impreso y no manuscrito ; y una copia de él será para el patron, y la otra para la Junta, bajo el cuidado del curador.

Cuando las sumas ofrecidas por dos ó mas personas diferentes por el servicio del Negro sean iguales, se dará la preferencia á la persona que intente emplear el Negro como artesano ó criado domestico.

**ARTICULO VII.** El periodo del servicio á que estará ligado un aprendiz, será de siete años por todos aquellos Negros que, al tiempo de empezar sus servicios, tengan de trece años de edad para arriba ; pero tres de lo siete años pueden despues dispensarseles á discrecion de la Junta, por recomendacion del amo, probandose que el aprendiz es capaz de proporcionarse por si un modo de vivir honesto, y que es digno de esta indulgencia.

The apprenticeship of Negroes who, at the time of hiring, are under thirteen years of age, shall continue until the age of twenty, subject to a diminution of that term, at the discretion of the Board, upon due proof being given that the apprentice is worthy of such indulgence, and is capable of maintaining himself.

If, after the expiration of any apprenticeship, it shall appear to the said Board, upon their personal inspection and examination of the apprentice, that he is not yet in a state to earn his livelihood, or to make a proper use of complete freedom, with regard to himself and to the community, the Board may extend the period of apprenticeship for the further term of three years. In such case a new master shall be selected, unless it shall appear to the satisfaction of the Board, that the backward state of the apprentice is not attributable to the neglect of the original master.

**ARTICLE VIII.** When more apprentices than one are confided to the same master, care shall be taken to select for that purpose such as are of the same African nation, and, if possible, of the same family; and in no case shall a child under fourteen years of age be separated from its mother, but such child shall always be apprenticed to the same master with its mother.

**ARTICLE IX.** The name and address of the master, together with the name and position of the estate or house where the liberated Negro is to be resident, shall be inserted opposite to the name of the Negro in his contract or indenture.

**ARTICLE X.** No Negro shall be apprenticed to any master who resides more than twenty English miles from the town where such Mixed Court of Justice is esta-

El aprendizaje de los Negros que al tiempo de entrar á servir á salario, no lleguen á trece años de edad, continuará hasta la edad de veinte, pero sugeto á una diminucion de aquel termino, á discrecion de la Junta, probandose debidamente que el aprendiz es digno de esta indulgencia, y capaz ne mantenerse por si.

Si á la expiracion de un aprendizaje pareciere á la Junta, por una inspeccion y examen personal del aprendiz, que no se halla aun en estado de ganar su vida, ó de hacer buen uso de una completa libertad, con respecto á si mismo y á la comunidad, puede la Junta extender el periodo de su aprendizaje por un nuevo termino de tres años. En tal caso se escogerá un nuevo amo, á menos que la Junta esté bien satisfecha que el estado atrasado del aprendiz no es atribuible á descuido del primer amo.

**ARTICULO VIII.** Cuando se confian al mismo amo mas de un aprendiz, se cuida de escoger para este objeto, Negros que sean de misma nacion Africana, y si es posible, de la misma familia; y en ningun caso un muchacho de menos de catorce años de edad, será separado de su madre, sino que siempre entrará á aprendizaje junto con su madre, bajo un mismo amo.

**ARTICULO IX.** El nombre y residencia del amo, así como el nombre y posicion del establecimiento ó casa en que ha de residir el Negro libreto, se inscribirá en frente del nombre del Negro en el contrato.

**ARTICULO X.** Ningun Negro se dará en aprendizaje á un amo que resida mas de veinte millas de distancia de la ciudad donde esté establecido el Tribunal Mixto de

blashed; and if any master, to whom each Negro shall have been so apprenticed, shall afterwards change his residence, he shall be required to give immediate notice thereof to the curator.

The apprentices must always reside at that particular estate or house of the master, which is registered as being within the above-mentioned distance from the place of sitting of the Mixed Court of Justice.

**ARTICLE XI.** No person shall be intrusted with one or more liberated Negroes, unless he shall prove to the Board that he possesses ample means for the emploment, maintenance, and support of such Negro or Negroes, and shall make himself answerable, under the penalty of eighty dollars for each Negro, that the conditions under which such Negro is received, shall be duly observed.

**ARTICLE XII.** The master shall engage to pay a stipulated sum for the hire of each apprentice.

The curator may, if the amount is to be paid down in one sum, demand it previously to the hire; if the sum is to be periodically paid, the curator may demand the same quarterly in advance.

**ARTICLE XIII.** The master shall undertake:—

- That the apprentice shall be maintained with wholesome and abundant food, and shall be provided with such clothes as are usual according to the custom of the country.

- That he shall be instructed in the truths of the Christian religion, in order that he may be baptised before the expiration of the second year of his apprenticeship.

- That he shall be vaccinated

Justicia; y si algun amo á quien se haya dado en aprendizage un Negro, cambiase despues de residencia, será obligado á dar aviso inmediato de ello al curador.

Los aprendices deberán siempre residir en la hacienda ó casa particular del amo, cual se requiere, que esté dentro de la distancia arriba mencionada del lugar en que este establecido el Tribunal Mixto de Justicia.

**ARTICLE XI.** A ninguna persona se encargará uno ó mas Negros libertos, si no prueba á la Junta, que posee medios suficientes para el empleo, mantenimiento, y sosten do dicho Negro ó Negros, y se hará responsable á si mismo, bajo la pena de ochenta pesos por cada Negro, de que serán cumplidas por él las condiciones bajo las cuales reciba dicho Negro.

**ARTICULO XII.** El amo se obligará á pagar una suma estipulada por el estipendio de cada aprendiz.

El curador puede, si el valor del servicio del Negro ha de pagarse en una sola suma, pedirla anticipada al alquila; y si ha de pagarse periodicamente, puede pedirla por cuartas partes anticipadas.

**ARTICULO XIII.** El amo se obligará:—

- A que el aprendiz sea mantenido con alimentos sanos y abundantes; y á que se le provea de la ropa que sea usual segun la costumbre del pais.

- Que será instruido en las verdades de la religion Cristiana, para que pueda ser bautizado antes de la expiracion del segundo año de su aprendizage.

- Que será vacunado lo mas

as soon as possible after being delivered into the charge of the master; that in sickness he shall have proper medical advice, and shall be treated with due care and attention; and that in case of death, he shall be decently buried at the master's expense.

4. That the apprentice shall be taught some useful business, or be instructed in some trade or mechanical art, whereby he may be enabled to maintain himself when the period of his service shall have expired.

5. That whenever an infant is born of any female apprentice, immediate information thereof shall be given by the master to the Board of Superintendence, in order that the fact may be duly registered.

6. That baptism of the infant so born, shall take place within three months after its birth, and that the freedom of the child shall be recorded in the register of baptism; but that such child shall remain with its mother, and shall be treated by the master of the mother in the same manner as an apprentice, until the apprenticeship of the mother ceases.

**ARTICLE XIV.** No master shall in any case be authorized to transfer to another master his apprenticed Negro, without the especial and written sanction of the Board; and if the master shall leave the country, or shall change his residence to a part of the country beyond the limits hereinbefore fixed for persons having apprentices, or if he shall become so reduced in his circumstances, as to be obliged to give up his establishment, then, and in any of these cases, he shall report the same to the Board, and shall bring his apprentices, and deliver them up to the said Board, by whom they shall be received, and afterwards apprenticed to an-

pronto posible despues de estar en poder del amo; que en caso de enfermedad se le subministraran los auxilios de la medicina, y sera asistido con el debido cuidado y atencion; y que en caso de muerte, sera enterrado decentemente á costa del amo.

4. Que el aprendiz se le enseñará algun ejercicio util, ó se le instruirá en algun oficio ó arte mecanico, que lo habilite para mantenerse cuando se haya concluido el termino de su servicio.

5. Que siempre que nazca un niño de alguna Negra aprendiz, el amo dará inmediatamente aviso del caso á la Junta de Superintendencia, para que sea debidamente registrado.

6. Que el bautismo del niño nacido se verificará dentro de tres meses despues de su nacimiento, y que la libertad de esta criatura será anotada en el libro bautismal; pero que el dicho niño permanecerá al lado de su madre del mismo modo que otro aprendiz, hasta que cese el apendizaje de la madre.

**ARTICULO XIV.** En ningun caso está autorizado un amo para transferir á otro amo, su Negro aprendiz, sin la sancion especial y escrita de la Junta; y si el amo dejase el pais, ó cambiase su residencia á otro parage del pais que esté fuera de los limites ya aqui fijados para las personas que tengan aprendices, ó si en razon del atraso á que pudieran reducirlo las circunstancias, tuviese que dar de mano a su establecimiento, entonces y en cualquiera de estos casos, lo comunicará á la Junta, y presentará y entregará á la Junta sus aprendices, la cual los recibirá, y los dará luego en aprendizaje á otro amo por el resto del periodo que

other master for the remainder of the period which such apprentices may have to serve, and under the same conditions as those imposed upon the first master. But in no case shall the master be allowed to deliver up his apprentice to any other authority than the said Board, or to the curator under the orders of the Board.

If any apprentice shall be guilty of crimes which render him obnoxious to the laws of the country, or shall be guilty of habitual drunkenness, insubordination, wilful carelessness, or destruction of his master's property, the master may in such case bring him before the Board of Superintendence, and upon proof of the facts, the said Board shall have power to cancel the indentures.

**ARTICLE XV.** If an apprentice should run away, his master shall give immediate information thereof to the curator, who shall instantly proceed to a summary investigation of the fact for the information of the Board of Superintendence.

Any master who shall be proved to have improperly disposed of an apprentice, whom he has reported as dead or absconded, shall pay, as a fine, the sum of three hundred dollars.

The half of this fine shall be paid to the informer, and the remainder to the curator, to be placed at the disposal of the Board, for the purposes hereinafter mentioned.

**ARTICLE XVI.** If an apprentice should fall sick, the master shall give immediate notice thereof to the curator, in order that he, or one of his assistants, may visit such apprentice, and report to the Board the nature of his disorder, and the manner in which such sick Negro is taken care of.

If an apprentice should die, notice thereof shall immediately

tengan que servir los tales aprendices, y con las mismas condiciones impuestas al primer amo; mas en ningun caso le es permitido al amo entregar su aprendiz á cualquiera otra autoridad que no sea la misma Junta, ó el curador con ordenes de la Junta.

Si algun aprendiz se hiciese culpable de crímenes contra las leyes del pais, ó se diese á una embriaguez habitual, ó fuera culpable de insubordinacion ó descuido culpable, ó destruyere las propiedades de su amo, puede este en tal caso traerlo ante la Junta de Superintendencia, y probando los hechos, tendrá facultad la Junta para rescindir el contrato.

**ARTICULO XV.** Si algun aprendiz se huyese, el amo dará inmediatamente aviso de ello al curador, quien procederá inmediatamente á hacer una investigacion sumaria del hecho, para conocimiento de la Junta de Superintendencia.

Todo amo á quien se pruebe haber dispuesto indebidamente de su aprendiz, dandolo por muerto, ó ocultandolo, pagará de multa trescientos pesos.

La mitad de esta multa será para los denunciantes, y el resto para el curador, quien le pondrá á disposicion de la Junta, para los fines que abajo se mencionarán.

**ARTICULO XVI.** Si algun aprendiz cayese enfermo, el amo dará inmediatamente cuenta de ello al curador, para que él, ó uno de sus auxiliares, pueda visitar el dicho aprendiz, y dar aviso á la Junta de la naturaleza de su mal, y del modo como dicho Negro es asistido.

Si algun aprendiz muriese, se dará inmediatamente aviso al cu-

be given to the curator, in order that he, or one of his assistants, may attend for the purpose of ascertaining that the deceased Negro was really and truly the apprentice described as such in the register.

For this purpose the curator or his assistant shall make such inquiries as he may judge necessary, interrogating the inhabitants of the house in which the Negro has died, the neighbours, or any other persons: and shall take such other means as he may judge necessary to enable him to ascertain the truth, in order that the burial of the Negro, which is to be at the expense of the master, may take place without further delay.

A summary report of the result of this enquiry shall then be drawn up officially by the curator, and be delivered without delay to the Board.

The curator, after having identified the body of any apprentice who may have died, shall investigate the cause of the death, and if the death shall appear to have been natural, he shall note that fact in the register.

If the cause of death be doubtful, or shall appear to be otherwise than natural, he shall interrogate the other Negroes, and other inhabitants of the house, and take such other means as may appear necessary to ascertain the facts of the case; and if there shall appear reason to suspect that the death of such Negro has been occasioned by violence, improper usage, or culpable neglect, he shall take the proper course for bringing the offender to trial before the Courts of the country.

ARTICLE XVII. If the master of any apprentice shall commit any breach of these conditions, a fine shall be imposed upon him of not less than fifty, and not exceed-

nadon, para que él, ó alguno de sus auxiliares, pase á asegurarse de que el Negro muerto era real y verdaderamente el aprendiz descrito como tal en el registro.

A este fin el curador, ó su auxiliar, practicará las indagaciones que juzgue necesarias, interrogando á los habitantes de la casa en que murió el Negro, á los vecinos, ó á cualesquiera otras personas; y tomará cualesquiera otras medidas que juzgue conducentes para poder asegurarse de la verdad, á fin de que el entierro del Negro, que se hará á costa del amo, se verifique sin mas demora.

El curador extenderá luego oficialmente una relación sumaria de esta indagación, y se transmitirá sin demora á la Junta.

El curador, después de haber asegurado la identidad del cadáver de cualquier aprendiz que muriese, indagará la causa de su muerte, y si pareciese haber sido natural, anotará el hecho en el registro.

Si la causa de la muerte fuere dudosa ó no pareciese natural, interrogará á los otros Negros y otros habitantes de la casa, y tomará todas las demás medidas que pareciesen necesarias para averiguar lo ocurrido en el caso; y si hubiere razón de sospechar que la muerte del Negro ha sido ocasionada por violencia, tratamiento impropius, ó decaído culpable, adoptará el medio propio para llamar á juicio al ofensor ante los Tribunales del país.

ARTICULO XVII. Si el amo de algún aprendiz faltase á alguna de estas condiciones, se le impondrá una multa que no baje de cincuenta, ni pase de cien pesos, la mitad

ing one hundred, dollars, one half of which shall go to the informer, and the other half shall be placed at the disposal of the Board of Superintendence, for the purposes hereinafter mentioned; and in case of any gross misconduct of the said master towards his apprentice, such master shall, if the Board of Superintendence shall think fit, besides paying the above-mentioned fine, forfeit all further right to the services of the apprentice, and the said apprentice shall be taken from such master, and shall be apprenticed to another master for the remainder of his term of apprenticeship.

**ARTICLE XVIII.** If the master of an apprentice shall die, his heir, or the person to whom the possession of such apprentice shall devolve, shall, within four days after the death of such master, report the same to the Board of Superintendence.

The Board shall thereupon issue its order to the curator, to bring the apprentice before them; and when the apprentice is so brought, the Board shall apprentice him to another master under the established conditions.

If the heir, or the person in possession of such apprentice, shall neglect to report the death of the master within four days, he shall pay one dollar a day for each apprenticed Negro belonging to such deceased master, until he shall have delivered them all up to the said Board, and he shall, moreover, be subject to the other penalties which attach to the non-performance of the conditions established by these Regulations.

**ARTICLE XIX.** If any liberated Negro be apprenticed to, or hired by, the Government, the contract shall contain the same conditions and stipulations in regard to the Negro, as are herein-

de la cual será para el denunciante, y la otra mitad se pondrá á disposición de la Junta de Superintendencia, á los fines que se mencionarán después; y en caso de torpe tratamiento de parte del amo con su aprendiz, si la Junta de Superintendencia lo cree conveniente, ademas de pagar la multa arriba mencionada, perderá su derecho á los servicios del aprendiz, y el dicho aprendiz será sacado del poder del tal amo, y será dado en aprendizaje á otro amo por el resto de su término de aprendizaje.

**ARTICULO XVIII.** Si el amo de algun aprendiz muriese, su heredero, ó la persona en quien recayese la posecion del tal aprendiz, lo participará á la Junta de Superintendencia, dentro de cuatro dias de la muerte del amo.

Sobre este aviso, la Junta expedirá orden al curador para que presente ante ella el aprendiz; y verificado esto, la Junta lo dará en aprendizaje á otro amo bajo las condiciones establecidas.

Si el heredero, ó la persona que estuviese en posecion del tal aprendiz, descuidase dar parte de la muerte del amo dentro ne cuatro dias, pagará un peso por dia por cada Negro aprendiz perteneciente al amo muerto, hasta que los entregue todos á la dicha Junta; y ademas quedará sugeto á las otras penas impuestas por el no cumplimiento de las condiciones establecidas por estos Reglamentos.

**ARTICULO XIX.** Si algun Negro liberto se diese en aprendizaje, ó se alquilase al Gobierno, el contrato contendrá las mismas condiciones y estipulaciones respecto del Negro, que se han re-

before prescribed, for the cases in which the Negro is apprenticed to a private individual.

**ARTICLE XX.** Liberated Negroes shall, at the discretion of the Board of Superintendence, and where it shall be ascertained that their own free will has previously been obtained, be permitted to become soldiers and sailors in the regular land and sea forces of the State in whose territories or dominions they shall have been liberated.

The Board shall take care, in such case, to ascertain that the Negroes fully understand and are aware of the nature of the engagement which they enter into by so enlisting.

The Government in whose service the Negroes enlist, shall sign a receipt for them, which receipt shall be delivered to the curator at the time of the enlistment; and the Board shall take means to ensure that the full and permanent liberation of such Negroes shall be secured to them, under the principle contemplated by these Regulations.

**ARTICLE XXI.** Those liberated Negroes who may not be apprenticed, or may not have enlisted in the sea or land forces of the State to which the colony or possession in which they may be, belongs, or whose indentures shall have become void, or have been cancelled, shall be provided for by the Government of such colony or possession. They shall be kept within twenty miles of the place where the Mixed Court of Justice is sitting.

The expense of maintaining and supporting such Negroes shall be borne by the Government of the colony or possession; but they shall be under the care and superintendence of the Board and curator; and the present Regulations

scripto antes para casos en que el Negro se dé en aprendizaje á individuos particulares.

**ARTICULO XX.** Los Negros libertos podrán entrar á servir de soldados y marineros en las fuerzas regulares terrestres y navales, del Estado en cuyos territorios ó dominios hayan sido libertados, á discrecioón de la Junta de Superintendencia, y previo conocimiento de la libre y espontánea voluntad de dichos Negros para dedicarse á este servicio.

En tal caso la Junta cuidará de asegurarse de que los Negros entienden plenamente y conocen la naturaleza de los empeños en que entran, alistándose.

El Gobierno en cuyo servicio se alistan los Negros, firmará un recibo de ellos, cuyo recibo será entregado al curador al tiempo del alistamiento; y la Junta tomará medidas para asegurar á dichos Negros su completa y permanente libertad, segun el principio contemplado en estos Reglamentos.

**ARTICULO XXI.** Los Negros libertos que no se hayan colocado en aprendizaje, ó que no se hayan alistado en las fuerzas terrestres ó navales del Estado á que pertenece la colonia ó posesión en que se hallen, ó cuyos contratos hayan venido á ser nulos, ó hayan sido chancelados, serán mantenidos por el Gobierno de la tal colonia ó posesión, y serán conservados dentro de veinte millas del lugar donde resida el Tribunal Mixto de Justicia.

El gasto de mantenimiento y sosten de dichos Negros será de cuenta del Gobierno de la colonia ó posesión; pero estarán bajo el cuidado y superintendencia de la Junta y del curador; y los presentes Reglamentos serán aplicados

shall be applicable to them in every respect, excepting as regards apprenticeship.

**ARTICLE XXII.** The curator shall endeavour, by means of an interpreter, to explain to each Negro the nature of any contract by which he may become bound; and shall inform him that if he should at any time be ill-treated by his master, he must make his complaint to the curator, or to the Board of Superintendence of liberated Negroes.

**ARTICLE XXIII.** It shall be the duty of the curator, or of his assistants, to visit once, at least, in every three months, all places where there are any liberated Negroes under the superintendence of the Board; he shall examine and inspect all such Negroes, receive their complaints, inquire into them, and search out the truth, and investigate any abuses that may affect the said Negroes; and also inquire into the general conduct of the Negroes themselves.

The curator shall then bring to the notice of the Board every complaint on the part of the said Negroes, and every breach committed of the conditions and stipulations of the contracts under which the Negroes serve; and in all cases of well-founded complaint, the Board shall take proper means for affording redress.

The inspections above prescribed are not to be made at stated periods, but at uncertain times, and unexpectedly.

The curator shall also report every three months, to the Board, the state in which he finds the liberated Negroes; and such report shall be entered in a book to be kept for that purpose, to be called "Curator's Reports," and to be deposited in the office of the Board, so that, on reference thereto, the condition and behaviour of

á ellos en todos respectos, menos en lo tocante al aprendizaje.

**ARTICULO XXII.** El curador procurará explicar á cada Negro, por medio de un interprete, la naturaleza de cualquier contrato que haya de ligarlo; y le informará que si alguna vez fuese maltratado por su amo, debe quejarse al curador, ó á la Junta de Superintendencia de los Negros libertados.

**ARTICULO XXIII.** Será del deber del curador, ó de sus auxiliares, visitar una vez, á lo menos, cada tres meses, todos los lugares donde haya Negros libertos bajo la superintendencia de la Junta; examinará é inspeccionará dichos Negros, oirá sus quejas, inquirirá y averiguará la verdad de ellas, é investigará los abusos que puedan afectar á dichos Negros, y tomará informes sobre la conducta general de los mismos Negros.

El curador transmitirá luego al conocimiento de la Junta, las quejas que le pongan los Negros, y toda falta que haya en el cumplimiento de las estipulaciones de los contratos en virtud de los cuales sirven dichos Negros; y en todos los casos de queja bien fundada, la Junta tomará las medidas convenientes para repararla.

Las inspecciones arriba prescriptas no han de hacerse en períodos determinados, sino en tiempos inciertos é inesperadamente.

El curador informará tambien á la Junta cada tres meses acerca del estado en que encuentre á los Negros libertos; y estos informes se insertarán en un libro que ha de llevarse con este objeto, que se llamará "Informes del Curador," y que ha de depositarse en la oficina de la Junta, de modo que refiriéndose á él, se sepa facilmente la

every liberated Negro may be easily known.

ARTICLE XXIV. All proceedings of the curator, together with a statement of all facts which may from time to time come to his knowledge, respecting the liberated Negroes, shall be immediately communicated by him to the Board of Superintendence; and he is not to institute any proceedings, nor to take any other steps in respect to such Negroes, without the knowledge and sanction of the Board.

ARTICLE XXV. The curator shall receive all the sums which are to be paid for the hire of apprentices, and all the monies arising from penalties incurred by masters, and shall render an account thereof to the Board of Superintendence.

The amount is to be applied to the purposes hereinafter mentioned.

ARTICLE XXVI. When the prescribed term of service of any apprentice shall have expired, the curator shall, under the direction of the Board of Superintendence, summon such apprentice, together with his master, to appear before the said Board. The master shall then give up to the Board the indenture of the Negro, and the Negro shall receive from the Board a certificate, specifying that such Negro has completed the term of his apprenticeship, and is entitled to all the rights and privileges of a free person.

The curator shall see that this certificate be authenticated and registered according to the custom of the country.

ARTICLE XXVII. The Board of Superintendence shall have the power to admonish the curator and any officer serving under the Board, if such curator or other officer should fail to execute his duty faithfully; and if the Board

condicíon y comportacion de cada Negro liberto.

ARTICULO XXIV. Todos los procedimientos del curador, así como todos los hechos que de tiempo en tiempo llegasen á su conocimiento, respecto de los Negros libertos, serán inmediatamente comunicados por él á la Junta de Superintendencia; y el no ha de instituir otros procedimientos, ni dar otros pasos respecto de dichos Negros, sin el conocimiento y sancion de la Junta.

ARTICULO XXV. El curador recibirá todas las sumas que han de pagarse por precio del aprendizaje, y todas las cantidades procedentes de las multas en que incurriesen los amos, y dará cuenta de todo á la Junta de Superintendencia.

El importe de estas cantidades se aplicará á los efectos que se mencionarán mas abajo.

ARTICULO XXVI. Cuando haya expirado el termino del servicio de algun aprendiz, el curador, bajo la dirección de la Junta de Superintendencia, intimará al aprendiz, junto con su amo, á que comparezca ante la dicha Junta. Entonces el amo entregará á la Junta la escritura del Negro, y el Negro recibirá de la Junta un certificado que especifique que tal Negro ha completado el termino de su aprendizaje, y está habilitado para gozar de todos los derechos y privilegios de una persona libre.

El curador cuidará que este certificado sea legalizado y archivado segun la costumbre del pais.

ARTICULO XXVII. La Junta de Superintendencia tendrá la facultad de amonestar al curador y á cualquiera de los empleados que sirvan á las ordenes de la Junta, si el curador u otro empleado dejase de cumplir fiel-

shall see necessary, they may dismiss such curator or other officer and appoint successors.

**ARTICLE XXVIII.** The necessary proceedings for recovering such sums as may be due from masters on account of the hire of apprentices, and for enforcing the payment of the several fines and penalties hereinbefore imposed, shall be instituted in the proper Courts of Law of the country where the Boards of Superintendence shall respectively reside, and shall be carried on at the instance of the Board.

The expenses of such proceedings shall be defrayed as hereinafter mentioned; and the High Contracting Parties hereby engage, that within six months from the exchange of the ratifications of the Treaty to which these Regulations are annexed, they will grant the requisite authority and powers to the Courts of Law of the country where the Boards of Superintendence are respectively held, to take cognizance of the actions which, for the due execution of these Regulations, may be brought in such Courts of Law at the instance of the Boards, so that the penalties hereinbefore mentioned may be recovered, and the levy of the monies hereinbefore mentioned be enforced, and the payment of the amount thereof be made to the person appointed by these Regulations to receive such penalties and monies.

**ARTICLE XXIX.** The money arising from the hire of liberated Negroes, and also from the penalties incurred by the master, shall be deposited by the curator in a chest with three keys, one of which shall be kept by each commissioner of the Board of Superintendence, and one by the curator.

The curator shall so deposit the

mente con su deber; y si la Junta lo considerase necesario, podrá destituir al curador á otro empleado, y nombrar sucesores.

**ARTICULO XXVIII.** Los procedimientos necesarios para el cobro de las cantidades que debieren los amos por los salarios de los aprendices, y para promover el pago de las multas arriba impuestas, se entablaran en los Tribunales correspondientes de Justicia del pais en que respectivamente resida la Junta de Superintendencia, y se proseguirán á instancia de la Junta.

Los gastos de estos procedimientos serán pagados como abajo se dirá; y las Altas Partes Contratantes se obligan por esto á conferir, dentro de dos meses del cange de las ratificaciones del Tratado á que van anexos estos Reglamentos, la autoridad y poder necesario á los Tribunales de Justicia del pais, donde respectivamente residan las Juntas de Superintendencia, para tomar conocimiento de las acciones que se entablen sobre la debida ejecucion de estos Reglamentos, en los Tribunales de Justicia á instancia de las Juntas, á fin de que se cobren las multas antes mencionadas, y las cantidades ante-dichas se recojan, y se paguen á la persona designada por estos Reglamentos para recibir dichas multas y dineros.

**ARTICULO XXIX.** El dinero procedente del salario de Negros libertos, y tambien de las multas en que encurriesen los amos, será depositado por el curador en una caja con tres llaves, dandose una á cada una de los miembros de la Junta de Superintendencia, y la otra al curador.

El curador depositará estas

several sums as soon as he receives them; making previously a regular entry of the receipt, in a book to be kept for that purpose.

This money shall be applied in the manner following, that is to say:—A portion thereof, at the discretion of the Board of Superintendence, shall be paid to the curator, and the other officers employed under the said Board, for their salaries; so much of the remaining portions as shall be needful, shall be applied towards defraying the expenses of prosecuting masters for breaches of the conditions and stipulations of their contracts, and also generally towards defraying the other expenses incurred for carrying these Regulations into effect; and the remaining balance, if any, shall be laid out at the discretion of the said Board, in the promotion of the comfort and welfare of the liberated Negroes, either during their term of service, or at its expiration, and especially in rewards to liberated Negroes for good conduct.

The accounts of these monies and of the manner in which they have been applied, shall, at the expiration of every year, be made up in duplicate by the curator; and after these accounts have been examined and approved by the Board, one of such duplicates shall be transmitted by each commissioner to the Government on whose part he is acting.

If the fund should not prove sufficient to liquidate the just and necessary demands made for the purposes required, the deficiency shall be made good in equal moieties by the two Governments.

**ARTICLE XXX.** In the event of a difference arising between the two aforesaid commissioners of the Board, regarding the appointment of any officer under them, or regarding any other matter in the

diversas sumas asi que las reciba, haciendo previamente un asiento formal de lo recibido, en un libro que se llevará con este fin.

Este dinero se aplicará del modo siguiente, á saber:—Una parte, á discrecion de la Junta de Superintendencia, se pagará al curador y á los otros empleados de la dicha Junta, por sus salarios; otra parte del fondo remanente, la que fuese necesaria, se aplicará al pago de los gastos de proceso contra los amos por falta de cumplimiento de las condiciones y estipulaciones de sus contratos, y tambien al pago en general de los demas gastos en que discurriere para llevar á efecto estos Reglamentos; y el resto del fondo, si lo hubiere, se empleará á discrecion de la Junta, en promover la comodidad y bienestar de los Negros libertos, bien sea durante el termino de su servicio, ó á su expiracion, y especialmente en premiar á los Negros libertos que se señalasen por su buena conducta.

Las cuentas de estos fondos, y del modo en que han sido aplicados, se formarán por duplicado al fin de cada año, por el curador; y despues que estas cuentas hayan sido examinadas y aprobadas por la Junta, uno de los duplicados será transmitido por cada uno de los miembros al Gobierno en cuyo nombre obra.

Si el fondo no fuese suficiente para liquidar las demandas justas y necesarias hechas con los objetos requeridos, será abonado el deficit por partes iguales por los dos Gobiernos.

**ARTICULO XXX.** En caso que se suscite alguna diferencia entre los dos expresados miembros de la Junta, respecto de la asignacion que ha de hacerse á los empleados de su dependencia, ó acerca de

execution of these Regulations,— if such difference shall occur in a British colony or possession, the Board shall call in the person who officiates in that colony or possession as Monte-Videan arbitrator to the Mixed Court of Justice under the Treaty; and if the case shall occur in the Monte-Videan colony or possession, the Board of Superintendence shall call in the person who officiates in that colony or possession, as British arbitrator to the Mixed Court of Justice under the Treaty; and the Board of Superintendence of liberated Negroes, thus formed, and being composed of the two commissioners and of one arbitrator, shall, by the majority of voices, decide all such points of difference.

It shall not be permitted to the members of the Board of Superintendence, nor to any officer acting under them, to demand or receive from any one, excepting as herein specified, any emolument under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present Regulations.

**ARTICLE XXXI.** Nothing that is contained in these Regulations shall be construed to exempt any liberated Negro from his liability, as a free man, to be proceeded against for any offence committed by him (except as herein provided for) against the laws of the country in which he is located. But in all cases where offence against such laws is imputed to a Negro under the care of the aforesaid Board of Superintendence, the laws shall be administered to him as to a free man, and the curator shall, either personally, or by a responsible individual deputed by him for the purpose, attend the Courts of Justice of the country, to see that justice is done to the Negro.

**ARTICLE XXXII.** It is further

cualquiera otra materia en la ejecucion de estos Reglamentos,— si esta diferencia ocurriese en una colonia ó posesion Inglesa, la Junta llamará á la persona que en esta colonia ó posesion haga de arbitrador Monte-Videano del Tribunal Mixto de Justicia, segun el Tratado; y si el caso ocurriese en colonia ó posesion Monte-Videana, la Junta de Superintendencia llamará á la persona que oficie en dicha colonia ó posesion como arbitrador Ingles del Tribunal Mixto de Justicia, segun el Tratado; y la Junta de Superintendencia de Negros libertos asi formada, y compuesta de los dos miembros y de un arbitrador, decidirá a mayoria de votos los puntos de diferencia.

No será permitido á los miembros de la Junta de Superintendencia, ni á ningun empleado de su dependencia, pedir ni recibir de nadie, menos en los casos especificados, emolumento alguno, por ningun pretesto, por el cumplimiento de los deberes que se les imponen por los presentes Reglamentos.

**ARTICULO XXXI.** Nada de lo contenido en el presente Reglamento á interpretará como que exima á un Negro libre de su sugercion, como un hombre libre, á ser perseguido por cualquier ofensa cometida por él (menos en los casos previstos) contra las leyes del pais en que se halle; pero en todos los casos imputados á un Negro bajo el cuidado de la expresada Junta de Superintendencia, se le administrará justicia como á un hombre libre, y el curador, bien por si ó por persona responsable y autorizada para aquel objeto, asistirá á los Tribunales de Justicia del pais, para ver que se administra justicia al Negro.

**ARTICULO XXXII.** Queda ade-

stipulated, with a view to avoid the unnecessary multiplication of words, that everything contained in the foregoing Regulations which applies to masters, shall be construed as applying equally to mistresses; and that everything in the said Regulations with respect to Negroes and apprentices, which applies to the masculine gender and singular number, shall be construed as applying equally to the female sex, and to the plural number, unless such construction shall be in express opposition to any other enactment of these Regulations.

ARTICLE XXXIII. These Regulations shall be inserted in the Official Gazette or Journal of the Government of each High Contracting Party to the Treaty, and also in the Official Journal or Gazette of the place where the Mixed Courts of Justice are respectively held; and the Governments of the said countries shall convey to the said Boards of Superintendence of liberated Negroes, to the curators, and to their assistants under those Boards, such authority as may be requisite to enable the said Boards of Superintendence, curators, and officers acting under them, respectively, to perform the duties, and to exercise the powers entrusted to them by these Regulations.

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The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed by them on this day, the thirteenth of July, one thousand eight hundred and thirty-nine, that the preceding Regulations, consisting of thirty-three Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

Done at Monte-Video, the thir-

mas estipulado, con la mira de evitar una innecesaria multiplicacion de palabras, que todo lo que contienen los antecedentes Reglamentos, que es aplicable á los amos, deberá tambien entenderse como aplicable á las amas; y que todo quanto contienen los dichos Reglamentos con respecto á Negras y aprendices, aplicable al genero masculino y singular, debe entenderse aplicable igualmente al sexo femenino y al numero plural, á menos que semejante inteligencia esté en expresa oposición á alguna otra disposicion de estos Reglamentos.

ARTICULO XXXIII. Este Reglamento se insertará en la Gaceta Oficial ó Diario del Gobierno de cada una de las Altas Partes Contratantes de este Tratado, y tambien en el Diario Oficial ó Gaceta del lugar en que se halle establecido el Tribunal Mixto de Justicia respectivamente; y los Gobiernos de los dichos países transferirán á las dichas Juntas de Superintendencia de Negros libertos, á los curadores, y á sus auxiliares dependientes de dichas Juntas, la autoridad necesaria para habilitar á las dichas Juntas de Superintendencia á los curadores, y á los auxiliares de su dependencia, á desempeñar respectivamente sus deberes, y ejercer la autoridad que se le confia por este Reglamento.

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Los abajo firmados Plenipotenciarios han convenido, en conformidad con el Artículo XIII del Tratado firmado por ellos hoy trece de Julio, de mil ochocientos treinta y nueve, que el precedente Reglamento, que consiste en treinta y tres Artículos, se agregue á dicho Tratado, y sea considerado parte integrante de él.

Fecho en Monte-Video, hoy

teenth day of July, one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.

trece de Julio, de mil ochocientos treinta y nueve.

(L.S.) JOSE ELLAVELI.

#### ARTICLES ADDITIONAL

*to the Treaty concluded this thirteenth day of July, one thousand eight hundred and thirty-nine, between Her Britannic Majesty and the Republic of the Uruguay, for the suppression of the Slave Trade.*

**ARTICLE I.** In consequence of the Oriental Goverment of the Uruguay not possessing at the present period more ships of war than are sufficient for the protection of the coasts of the Republic, it is agreed that the Republic of the Urnguay shall be relieved from the obligation, for ten years from the date of the exchange of the ratifications of the present Treaty, of employing any cruizers for the suppression of the Slave Trade, unless it should think fit to do so.

**ARTICLE II.** It is agreed and understood, that if there should be any delay in appointing the judge and the arbitrator, to be nominated on the part of the Republic of the Uruguay, to act in each of the Mixed Courts of Justice to be established under this Treaty; or if those officers, after having been appointed, should at any time be absent, then, and in either of such cases, the judge and arbitrator who shall have been appointed on the part of Her Britannic Majesty, and who shall be present in the said Courts, shall, in the absence of the Oriental judge and arbitrator, proceed to open the said Courts, and to adjudge such cases as may be brought before them under the Treaty; and the sentence pronounced upon such cases by the

#### ARTICULOS ADICIONALES

*al Tratado celebrado hoy trece de Julio, de mil ochocientos treinta y nueve, entre Su Magestad Britanica y la Republica del Uruguay, para la abolicion del Comercio de Esclavos.*

**ARTICULO I.** No teniendo el Gobierno Oriental del Uruguay, en las circunstancias presentes, mas que los buques de guerra necesarios para guardar las costas de la Republica, se ha convenido que la Republica del Uruguay quede exonerada por el espacio de diez años, contados desde el cange de las ratificaciones de este Tratado, de la obligacion de emplear cruceros para la supresion del Trafico de Esclavos, á menos que lo considere conveniente.

**ARTICULO II.** Se ha convenido y arreglado, que si hay alguna demora en el establecimiento del juez y del arbitrador que deberán nombrarse por parte de la Republica del Uruguay, para actuar en cada uno de los Tribunales Mixtos de Justicia que deberán establecerse por este Tratado; ó que si estos empleados llegan á ausentarse despues de su nombramiento; entonces, y en cualquiera de estos casos, el juez y arbitrador nombrados por parte de Su Magestad Britanica, y que estén presentes en los expresados Tribunales, procederán, en ausencia del juez y arbitrador Oriental, á abrir los indicados Tribunales, y conocerán de los pleitos, que les competan por este Tratado; y la sentencia pronunciada en tales pleitos por los ex-

said British judge and arbitrator, shall have the same force and validity as if the judge and the arbitrator on the part of the Oriental Republic had been appointed, and had been present and acting in the Mixed Courts, in the cases in question.

**ARTICLE III.** It is also agreed, notwithstanding the provisions of the Second Article of the Annex B, that so long as no Oriental judge and arbitrator shall have been nominated, it will be unnecessary for the Oriental Republic to nominate the secretary or actuary, mentioned in the said Article; that in the meanwhile, the secretary or actuary of that Court which may exist within the territory of the Oriental Republic, shall be named and paid by the Government of Her Britannic Majesty; and that the entire expense of both the Courts to be established under this Treaty, shall be borne by the Government of Her Britannic Majesty.

**ARTICLE IV.** If in the translation of the present Treaty into the Spanish language, any mistake or error should be committed, the English text is to be adhered to.

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The present Additional Articles shall form an integral part of the Treaty for the suppression of the Slave Trade, signed this day, and shall have the same force and validity as if they were inserted, word for word, in that Treaty; and shall be ratified, and the ratifications thereof shall be exchanged at Monte-Video, as soon as possible within the space of eight months from this date.

Done at Monte-Video, this thirteenth day of July, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.

presados juez y arbitrador Britanico, tendrá la misma fuerza y validez, que si el juez y arbitrador por parte de la Republica Oriental hubiesen sido nombrados, y hubiesen estado presentes, y administrando justicia en los Tribunales Mixtos, sobre causas de su competencia.

**ARTICULO III.** Se ha convenido igualmente que, no obstante las estipulaciones del Artículo II de la Pieza anexa B, mientras el juez y el arbitrador Oriental no hayan sido nombrados, no será necesario que la Republica del Uruguay nombre el secretario ó actuaria mencionado en el referido Artículo; que entretanto, el secretario ó actuaria del Tribunal que exista en el territorio de la Republica Oriental, será nombrado y pagado por el Gobierno de Su Magestad Britanica; y que todos los gastos de los dos Tribunales que por este Tratado se establezcan, serán sufragados por el Gobierno de Su Magestad Britanica.

**ARTICULO IV.** Si apareciese algun error ó equivocacion en la traduccion Castellana de este Tratado, se deberá pasar por el texto Ingles.

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Estos Artículos Adicionales formarán una parte integrante del Tratado para suprimir el Trafico de Esclavos, que acaba de firmarse, y tendrán la misma fuerza y validez que si se hallasen insertos, palabra por palabra, en aquel Tratado, que será ratificado, y cuyas ratificaciones serán cangeadas en Monte-Video, lo mas pronto posible en el termino de ocho meses contados desde la fecha.

Celebrado en Monte-Video, el dia trece de Julio, del año del Señor de mil ochocientos treinta y nueve.

(L.S.) José ELLAURL.

## 16. BOLIVIA.

## SPECIAL ORDER.

*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS a Treaty between Great Britain and Bolivia for the abolition of the Traffic in Slaves, was signed at Sucre, on the 25th of September, 1840; and Instructions for Cruizers, marked A, and Regulations for Mixed Courts of Justice, marked B, were annexed thereto, and declared to form an integral part thereof; and the ratifications of the same have been duly exchanged: and whereas the High Contracting Parties mutually agreed thereby, that ships of war of both countries, respectively furnished with the Instructions contained in Annex A to the Treaty, might search and send in for trial, vessels suspected of the illegal Traffic in Slaves: and whereas we think fit that Her Majesty's ship under your command should be one of those authorized to act under this Treaty,—

We furnish you with a copy of the said Treaty and of its Annexes, marked A and B; and you are hereby expressly authorized, empowered, and ordered, to act in the suppression of the Traffic in Slaves, according to the said Treaty.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To  
*Commander of Her Majesty's ship*

By command of their Lordships,  
**SIDNEY HERBERT.**

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*Treaty between Her Majesty and the Republic of Bolivia, for the abolition of the Traffic in Slaves. Signed at Sucre, September 25, 1840.*

*In the Name of the Most Holy Trinity.*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Bolivia, being mutually animated by a sincere desire to co-operate

*En el Nombre de la Santísima Trinidad.*

La Republica de Bolivia, y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, hallandose mutuamente animados de un sincero deseo de cooperar á

for the utter extinction of the barbarous Traffic in Slaves, have resolved to proceed to the conclusion of a Treaty, for the special purpose of immediately attaining this object, and have respectively named for this purpose as their Plenipotentiaries, to wit:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Belford Hinton Wilson, Esquire, and Chargé d'Affaires of Her Britannic Majesty at Lima ;

And the Republic of Bolivia, the Citizen José María Linares, Minister of State for the Departments of the Home and Foreign Affairs ;

Who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon and concluded the following Articles:—

**ARTICLE I.** The Slave Trade having been constitutionally abolished throughout the territories of the Republic of Bolivia, is hereby declared to be, henceforward, totally prohibited to all the citizens of the said Republic, in all parts of the world.

**ARTICLE II.** The Republic of Bolivia hereby specially engages, that two months after the exchange of the ratifications of the present Treaty, if the ordinary Congress shall be assembled at that time, or two months after the subsequent meeting of Congress, it will promulgate throughout its territories a penal law, inflicting the punishment attached to piracy on all those citizens of Bolivia who shall, under any pretext whatsoever, take any part whatever in the Traffic in Slaves ; and from time to time afterwards, as it may become needful, it will take the most effectual measures for preventing

la completa extincion del barbaro Trafico de Esclavos, han resuelto proceder al ajuste de un Tratado con la mira especial de obtener inmediatamente este objeto : y al efecto han nombrado respectivamente por sus Plenipotenciarios, á saber:—

La Republica de Belivia, al Ciudadano José María Linares, Ministro de Estado del Despacho del Interior y Relaciones Exteriores ;

Y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, á Belford Hinton Wilson, Escudero, y Encargado de Negocios de Su Majestad Britanica residente en Lima ;

Quienes, habiendo comunicado mutuamente sus respectivos plenos poderes, y hallados en buena y debida forma, han acordado y concluido los Articulos siguientes :—

**ARTICULO I.** Estando abolido por la constitucion el Trafico de Esclavos en todos los territorios de la Republica de Bolivia, se declara formalmente de ahora para siempre, que el Comercio de Esclavos es totalmente prohibido á todos los ciudadanos de Bolivia, en todas las partes del mundo.

**ARTICULO II.** La Republica de Bolivia se obliga especialmente á promulgar en el territorio de esta, dos meses despues del canje de las ratificaciones, si el Congreso ordinario estuviere entonces reunido, ó dos meses despues de la siguiente reunion ordinaria del Congreso, una ley que imponga la pena de pirateria á todo ciudadano Boliviano que tome parte alguna, bajo cualquier color ó pretexto, en el Comercio de Esclavos ; y se obliga á si misma á adoptar, de tiempo en tiempo, segun la necesidad la requiera, las mas efficaces medidas para impedir que los ciudadanos de la Republica se in-

the citizens of the Republic from being concerned, and the flag of the Republic from being used, in carrying on, in any way, the Trade in Slaves.

**ARTICLE III.** Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Bolivia, hereby mutually engage, that, by an Additional Convention to the present Treaty, hereafter to be concluded between the said High Contracting Parties to the present Treaty, they will concert and settle the details of the measures, by which the law of piracy, which will become applicable to that traffic by the legislation of each of the two countries, shall be immediately and reciprocally carried into execution with respect to the vessels and subjects or citizens of each.

**ARTICLE IV.** In order more completely to carry into effect the spirit of the present Treaty, the two High Contracting Parties mutually consent, that those ships of their navies respectively, which shall be provided with special Instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations, as may be suspected, upon reasonable grounds, of being engaged in the Traffic in Slaves, or of having been fitted out for the purposes thereof, or of having, during the voyage in which they are met by the said cruisers, being engaged in the Traffic in Slaves, contrary to the provisions of this Treaty; and the two High Contracting Parties likewise consent that such cruisers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

**ARTICLE V.** In order to regulate the mode of carrying the pro-

teres, ó su pabellon se emplee, de modo alguno, en el expresado comercio.

**ARTICULO III.** La Republica de Bolivia, y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, se obligan mutuamente á concertar y establecer, por medio de una Convencion que se añadirá al presente Tratado, y mas adelante se ajustará entre las dichas Altas Partes Contratantes, los pormenores de las medidas conducentes á que la ley de pirateria, que se hará entonces aplicable á dicho trafico segun la legislacion de cada uno de los dos paises, sea inmediatamente y reciproicamente puesta en ejecucion, con respecto á los buques y á los ciudadanos ó subditos de cada uno.

**ARTICULO IV.** Y con el fin de llevar mas cumplidamente á efecto el espiritu del presente Tratado, las dos Altas Partes Contratantes se convienen en que los buques de sus respectivas armadas, ó los que fueron provistos de Instrucciones especiales para este objeto, segun se expresará mas adelante, podrán visitar las embarcaciones mercantiles de las dos naciones, que con racionales fundamentos induzcan sospecha de que se ocupan en el Trafico de Esclavos, ó de que han sido equipados con este intento, ó de que, durante el viaje en que se encuentran con los mencionados cruzeros, se han empleado en el Trafico de Esclavos, contraviniendo á lo que en el presente Tratado se estipula: y convienen tambien ambas Partes Contratantes, en que los referidos cruzeros podrán detener dichas embarcaciones, y enviarlas ó conducirlas para ser juzgadas del modo que mas abajo se dispone.

**ARTICULO V.** Para arreglar el modo de llevar á efecto las provi-

visions of the preceding Article into execution, it is agreed:

1º. That all ships of the navies of the two nations which shall be hereafter employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present Treaty; of the Instructions for cruizers, annexed thereto, *sub literá A*; and of the Regulations for the Mixed Courts of Justice, annexed thereto, *sub literá B*; which Annexes shall be considered as an integral part of the Treaty.

2º. That each of the High Contracting Parties shall from time to time communicate to the other, the names of the several ships furnished with such Instructions, the force of each ship, and the names of their several commanders.

3º. That if at any time there shall be just cause to suspect that any merchant-vessel, sailing under the flag of either nation, and proceeding under the convoy of any ship or ships of war of either of the Contracting Parties, is engaged, or is intended to be engaged, in the Traffic in Slaves, or is fitted out for the purposes thereof, or has, during the voyage on which she may be met with, been engaged in the Traffic in Slaves; it shall be lawful for the commander of any ship of the navy of either of the two High Contracting Parties, furnished with such Instructions as aforesaid, to visit such merchant vessel; and such commander shall proceed to visit the same, in communication with the commanding officer of the convoy, who, it is hereby agreed, shall give every facility to the visit, and to the eventual detention, if necessary, of such merchant vessel; and in all things shall assist, to the ut-

siones del Artículo precedente, queda convenido:

1º. Que á todos los buques de las armadas de las dos naciones que se empleasen en impedir el Trafico de Esclavos, se les dará por sus respectivos Gobiernos, en lengua Española é Inglesa, una copia del presente Tratado, de las Instrucciones para los cruzeros á el anexas, y señaladas con la letra A; y de los Reglamentos que han de servir de guia á los Tribunales Mixtos de Justicia, y que tambien se agregan bajo la letra B; debiendo ambos documentos considerarse como parte integrante del Tratado.

2º. Que las dos Altas Partes Contratantes comunicarán de tiempo en tiempo, la una á la otra, los nombres de los varios buques provistos con las Instrucciones susodichas, la fuerza de cada buque, y los nombres de sus respectivos comandantes.

3º. Que siempre que hubiere fundado motivo de sospechar que alguna embarcacion mercante de los que llevan la bandera, y navegan bajo la escolta ó convoy de un buque ó buques de guerra de cualquiera de las Partes Contratantes, se ocupa, ó tiene intencion de ocuparse, en el Trafico de Esclavos, ó está equipada al efecto, ó durante el viaje en que se la encontrarare, se ha ocupado en dicho trafico; será licito al comandante de cualquier buque de la armada de una ú otra de las dos Partes Contratantes, estando provisto de las sobredichas Instrucciones, visitar la embarcacion mercante; y el referido comandante procederá á ejecutarlo, entendiendo con el comandante del convoy, el cual (como aqui se estipula expresamente) facilitará esta visita, y la detencion eventual si hubiere lugar á ella, de la sobredicha embarcacion mercante, y auxiliará en todo cuanto le fuere posible, la puntual

most of his power, in the due execution of the present Treaty, according to the true intent and meaning thereof.

4°. It is further mutually agreed, that the commanders of the ships of the two navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid Instructions.

**ARTICLE VI.** As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur, by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention; and that the visit and detention of such vessels, specified in the IVth Article of this Treaty, shall only be effected by those British or Bolivian ships which may form part of the navies (royal and national), respectively, of the two High Contracting Parties to the Treaty; and by such ships only of those navies, as shall be provided with the special Instructions annexed to the present Treaty, in pursuance of the provisions thereof.

The compensation for damages, of which this Article treats, shall be made within the term of one year, reckoned from the day on which the Mixed Courts of Justice pronounce sentence on the vessel, for the detention of which such compensation is claimed.

**ARTICLE VII.** In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of the IVth Article of this Treaty, there shall be established, within the space of

ejecucion del presente Tratado, segun su verdadero sentido y espiritu.

4°. Tambien queda mutuamente concertado, que los comandantes de los respectivos buques de guerra de ambas Potencias que se emplearen en este servicio, se atendran estrictamente al exacto tenor de las referidas Instrucciones.

**ARTICULO VI.** Como los dos Articulos que preceden son enteramente reciprocos, las dos Altas Partes Contratantes se obligan mutuamente á abonar las perdidas que sus respectivos ciudadanos ó subditos experimenten por la arbitraría é ilegal detencion de sus embarcaciones; en la inteligencia de que la indemnizacion será inviolablemente satisfecha por el Gobierno cuyo cruzero haya incurrido en dicha arbitraría é ilegal detencion; y que la visita y detencion de embarcaciones, de que se hace mención en el Artículo IVº de este Tratado, solo podrán efectuarse por los buques Bolivianos é Ingleses que formen parte de las respectivas armadas, real y nacional, de las dos Partes Contratantes, y que ademas se hallen provistos de las Instrucciones especiales anexas á este Tratado, con arreglo á lo que en el se estipula.

La indemnizacion de perjuicios de que trata este Articulo, se hará en el termino de un año, contado desde el dia en que el Tribunal Mixto pronunciare sentencia sobre la embarcacion de cuya captura se reclame la indemnizacion.

**ARTICULO VII.** Para proceder con el menor retardo y perjuicio posible á la adjudicacion de las embarcaciones que sean detenidas con arreglo al tenor del Artículo IVº de este Tratado, se establecerán, en el espacio de un año, á mas

a year at furthest from the exchange of the ratifications of the present Treaty, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by the Governments of the two High Contracting Parties respectively.

These Courts shall reside, one in a possession belonging to Her Britannic Majesty, the other within the territories of the Republic of Bolivia; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own territories, in what places the Courts shall respectively reside; each of the two High Contracting Parties reserving to itself the right of changing at its pleasure the place of residence of the Court held within its own territories; provided, however, that one of the two Courts shall always be held upon the coast of Africa, and the other in one of the possessions of the Republic of Bolivia.

These Courts shall judge the causes submitted to them, according to the provisions of the present Treaty, without appeal; and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

**ARTICLE VIII.** If the commanding officer of any of the ships of the navies of Great Britain and of the Republic of Bolivia, respectively, duly commissioned according to the provisions of the IVth Article of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and, in such case, the

tardar, contado desde el canje de las ratificaciones del presente Tratado, dos Tribunales Mixtos de Justicia, formados de un numero igual de individuos de las dos naciones, nombrados á este fin por los respectivos Gobiernos de las dos Altas Partes Contratantes.

Estos Tribunales residirán, el uno en el territorio de la Republica de Bolivia, y el otro en una posecion perteneciente á Su Majestad Britanica; y los dos Gobiernos, al tiempo del canje de las ratificaciones del presente Tratado, declararán, cada uno para su propio territorio, en que paraje de sus respectivos territorios han de residir estos Tribunales; bien entendido que cada una de las dos Altas Partes Contratantes se reserva el derecho de variar á su arbitrio el lugar de la residencia del Tribunal que esté en ejercicio en su territorio; pero con la precisa condicion de que uno de los dos Tribunales residirá en algun punto de las posesiones de la Republica de Bolivia, y el otro siempre en la costa de Africa.

Estos Tribunales juzgarán las causas que se les sometan, con arreglo á las estipulaciones del presente Tratado; y sus sentencias serán sin apelacion, y de conformidad con los Reglamentos é Instrucciones anexas á el, que se consideran como parte integrante del mismo.

**ARTICULO VIII.** Si el oficial comandante de cualquiera de los buques de las respectivas armadas Boliviana y Britanica, comisionado en debida forma segun lo que en el Articulo IVº de este Tratado se ha provisto, se desviare en alguna manera de las estipulaciones del mismo, ó de las Instrucciones á el anexas, el Gobierno que por ello se juzgue agraviado, tendrá derecho á pedir una reparacion; y en tal caso, el Gobierno á que dicho oficial comandante pertenezca, se

Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

**ARTICLE IX.** It is hereby further mutually agreed, that every merchant vessel, British or Bolivian, which shall be visited by virtue of the present Treaty, may lawfully be detained and be sent or brought before the Mixed Courts of Justice, established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things herein-after mentioned, namely:—

1. Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

2. Divisions or bulkheads in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

3. Spare plank, fitted for being laid down as a second, or slave deck.

4. Shackles, bolts, or handcuffs.

5. A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel, as a merchant vessel.

6. An extraordinary number of water casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such merchant vessel, that such extra quantity of casks or of other vessels, should only be used for the reception of palm-oil, or for other purposes of lawful commerce.

obliga á mandar hacer indagacion del hecho que motive la queja, y á imponer al mencionado oficial una pena proporcionada á la transgresion que de intento hubiere cometido.

**ARTICULO IX.** Queda ademas mutuamente convenido, que toda embarcacion mercante Boliviana ó Britanica, que sea visitada en virtud del presente Tratado, pueda ser legalmente detenida y enviada ó conducida ante los Tribunales Mixtos de Justicia, establecidos con arreglo á lo que en el se ha provisto, siempre que en su equipo se encuentren algunos de los enseres siguientes:—

1. Escotillas con redes abiertas, en lugar de las escotillas cerradas que se usan en las embarcaciones mercantes.

2. Separaciones ó divisiones en la bodega ó sobre cubierta, en mayor numero que el necesario para los buques destinados á un trafico legal.

3. Tablones de repuesto, preparados para formar una segunda cubierta, ó entrepuente de Esclavos.

4. Cadenas, grillos, ó manillas.

5. Una cantidad de agua, en vasijas ó cubas, mayor que la necesaria para el consumo de la tripulacion de la nave, en su calidad de nave mercante.

6. Un numero extraordinario de barriles, ó de otra clase de vasijeria para contener liquidos, á menos que el capitán exhiba un certificado de la aduana del paraje de su procedencia, en que conste haberse dado por los propietarios de dicha embarcacion mercante, suficientes seguridades de que esta superabundante cantidad de barriles ó de vasijas se emplearia tan solamente en el transporte de aceite de palma, ó de otros objetos de licito comercio.

7. A greater quantity of mess-tubs or kids than are requisite for the use of the crew of the vessel, as a merchant vessel.

8. A boiler of an unusual size, and larger, or fitted for being made larger, than requisite for the use of the crew of the vessel, as a merchant vessel ; or more than one boiler of the ordinary size.

9. An extraordinary quantity either of rice ; of the flour of Brazil, manioc, or cassada, commonly called farinha ; of maize ; of Indian corn ; or of any other article of food whatever, beyond what might probably be requisite for the use of the crew : such rice, flour, maize, Indian corn, or other article of food, not being entered on the manifest as part of the cargo for trade.

10. A quantity of mats or matting, greater than is necessary for the use of the crew of the vessel, as a merchant vessel.

Any one or more of these several things, if proved, shall be considered as *prima facie* evidence of the actual employment of the vessel in the Slave Trade ; and the vessel shall thereupon be condemned, and be declared lawful prize, unless clear and incontestable evidence, on the part of the master or owners, shall establish to the satisfaction of the Court, that such vessel was, at the time of her detention or capture, employed in some legal pursuit, and that such of the several things above enumerated, as were found on board her at the time of her detention, or had been put on board on the voyage on which the vessel when captured was proceeding, were needed for legal purposes on that particular voyage.

ARTICLE X. If any of the

7. Una cantidad de calderas ó vasijas de rancho, mayor de la que se requiere para el uso de la tripulacion de la nave, en su calidat de nave mercante.

8. Una caldera de un tamaño extraordinario ; y cuya magnitud sea, ó pueda por su construccion hacerse, mayor de lo que se requiere para el uso de la tripulacion de la nave, como nave mercante ; ó mas de una caldera de tamaño ordinario.

9. Una cantidad extraordinaria de arroz, ó de harina del Brazil, manioco, ó casave, vulgarmente llamado fariña ; de maiz, ó de cualquier otro comestible, de manera que exceda á la que probablemente seria necesaria para el uso de la tripulacion ; siempre que dicho arroz, harina, ó maiz, ó otro comestible, no se designen en el manifiesto como parte del cargamento en que se comercia.

10. Una cantidad de petates ó esteras, mayor que la necesaria para el uso de la tripulacion de la nave, como nave mercante.

Verificandose alguna ó algunas de estas cosas, se consideraran como pruebas *prima facie* de que la embarcacion se ocupa actualmente en el Comercio de Esclavos ; y la embarcacion en esta virtud sera condenada, y declarada buena presa, á menos que el capitán ó los dueños del buque prueben de un modo claro é incontestable, á satisfaccion del Tribunal, que dicho buque, al tiempo de su detencion ó captura, se hallaba empleado en alguna especulacion legal, y que aquellos de los articulos arriba enumerados que se hubiesen encontrado en ella al tiempo de la detencion, ó que hubiesen sido puestos á su bordo en el viaje que dicha embarcacion hacia cuando fué detenida, se necessitaban para objetos legales en aquel particular viaje.

ARTICULO X. Si alguna de las

things specified in the preceding Article shall be found in any merchant vessel, no compensation for losses, damages, or expenses consequent upon the detention of such vessel, shall, in any case, be granted either to her master, or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Court of Justice should not pronounce any sentence of condemnation in consequence of her detention.

**ARTICLE XI.** It is hereby agreed between the two High Contracting Parties that in all cases in which a vessel shall be detained under this Treaty, by their respective cruisers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall, consequently, be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

**ARTICLE XII.** The Negroes who are found on board of a vessel detained by a cruiser, and condemned by the Mixed Courts of Justice, in conformity with the stipulations of this Treaty, shall be placed at the disposition of the Government whose cruiser has made the capture, on the distinct understanding that they shall be immediately set at liberty and kept free; the Government to which they have been delivered guaranteeing the same; and likewise engaging to afford from time to time, and whenever demanded by the other High Contracting Party, the fullest information as to the state and condition of such Negroes, with a view of insuring the due execution of the Treaty in this respect.

cosas especificadas en el Articulo anterior se hallare á bordo de alguna embarcacion mercante, ni el capitán, ni el propietario, ni otro persona alguna interesada en el equipo ó cargamento de la embarcación, tendrá derecho á reclamar indemnizacion de daños, perjuicios, y gastos, aun cuando el Tribunal Mixto no haya pronunciado sentencia de condenacion consiguiente á su detencion.

**ARTICULO XI.** Las dos Altas Partes Contratantes han convenido en que, siempre que en virtud de este Tratado, se detenga un buque por sus respectivos cruzeros, bien por haberse empleado en el Tráfico de Esclavos, ó bien por hallarse equipado para dicho objeto, y en consecuencia sea juzgado y condenado por los Tribunales Mixtos de Justicia que han de establecerse segun lo arriba dicho, el tal buque será hecho pedazos inmediatamente despues de condenado; y se procederá á su venta por trozos separados, despues de haber sido asi hecho pedazos.

**ARTICULO XII.** Los Negros que se encontraren á bordo de una embarcacion detenida por un cruzero, y condenada por uno de los Tribunales Mixtos de Justicia, de conformidad con las estipulaciones del presente Tratado, se pondrán á disposicion del Gobierno cuyo cruzero haya hecho la presa, en la expresa inteligencia de que serán inmediatamente restituidos á la libertad, y mantenidos en el goze de ella; comprometiendose á ello el Gobierno á quien se entregasen, y obligandose ademas á exhibir de tiempo en tiempo, y siempre que asi lo requiera la otra Alta Parte Contratante, la mas cabal noticia del estado y condicion de dichos Negroes, á fin de asegurar la debida observancia del Tratado en este respecto.

For this purpose the Regulations annexed to this Treaty, *sub litera C*, as to the treatment of Negroes liberated by sentence of the Mixed Courts of Justice, have been drawn up, and are declared to form an integral part of this Treaty. The two High Contracting Parties reserve to themselves the right to alter or suspend, by common consent and mutual agreement, but not otherwise, the terms and tenor of such Regulations.

**ARTICLE XIII.** The Acts or Instruments annexed to this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follow:

A. Instructions for the ships of the navies of both nations, destined to prevent the Traffic in Slaves.

B. Regulations for the Mixed Courts of Justice, which are to hold their sittings on the coast of Africa, and in one of the possessions of the Republic of Bolivia.

C. Regulations as to the treatment of liberated Negroes.

**ARTICLE XIV.** The present Treaty, consisting of fourteen Articles, shall be ratified, and the ratifications thereof exchanged at London as soon as possible within the space of twenty months from this date.

In witness whereof the respective Plenipotentiaries have signed in triplicate originals, English and Spanish, the present Treaty, and have thereunto affixed the seal of their arms.

Done at Sucre, the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and forty.

(L.S.) BELFORD HINTON WILSON.

(L.S.) JOSE MA. LINARES.

Con el propio fin se ha extendido el Reglamento anexo á este Tratado bajo la letra C, concerniente al trato de los Negros emancipados por sentencia de los Tribunales Mixtos de Justicia, y se declara que dicho Reglamento forma parte integrante de este Tratado; reservandose las dos Altas Partes Contratantes el derecho de alterar y suspender de comun acuerdo y mutuo consentimiento, pero no de otro modo, los terminos y tenor del referido Reglamento.

**ARTICULO XIII.** Los Actos e Instrumentos anexos al presente Tratado, y que, segun se ha convenido, deberán formar parte integrante de él, son los siguientes:

A. Instrucciones para los buques de las armadas de ambas naciones, destinados á impedir el Trafico de Esclavos.

B. Reglamento para los Tribunales Mixtos de Justicia que han de celebrar sus sesiones en el territorio de la Republica de Bolivia, y en la costa de Africa.

C. Reglamento sobre el modo de tratar á los Negros emancipados.

**ARTICULO XIV.** El presente Tratado, que consta de catorce Articulos, será ratificado, y sus ratificaciones canjeadas en Londres lo mas pronto posible dentro del termino de veinte meses, contados desde el dia de la fecha.

En testimonio de lo cual los respectivos Plenipotenciarios han firmado por triplicado ejemplares del presente Tratado, en Espanol y en Ingles, y los han sellado con sus armas.

Hecho en Sucre, á los veinticinco dias del mes de Setiembre, del año de nuestro Señor de mil ochocientos cuarenta.

(L.S.) JOSE MA. LINARES.

(L.S.) BELFORD HINTON WILSON.

*Annex A to the Treaty between Great Britain and the Republic of Bolivia, for the abolition of the Slave Trade of the Republic of Bolivia.*

*Instructions for the ships of the British and Bolivian navies, employed to prevent the Trafic in Slaves.*

**ARTICLE I.** The commander of any ship belonging to the navy of Her Britannic Majesty or of the Republic of Bolivia, which shall be furnished with these Instructions, shall have a right to visit, search, and detain, any British or Bolivian merchant vessel which shall be actually engaged, or which shall be suspected to be engaged, in the Slave Trade, or to be fitted out for the purposes thereof, or to have been engaged in the Traffic in Slaves during the voyage in which she may be met with by such ship of the British or Bolivian navy ; and such commander shall thereupon bring or send such merchant vessel, as soon as possible, for judgment before that one of the two Mixed Courts of Justice, established in virtue of the VIIth Article of the said Treaty, which shall be nearest to the place of detention, or which such commander shall, upon his own responsibility, think can be soonest reached from such place.

**ARTICLE II.** Whenever a ship of either of the said navies, duly authorized as aforesaid shall meet a merchantman liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations ; and the search shall, in all cases, be made by an

*Adicional A al Tratado entre la Republica de Bolivia y la Gran Bretaña, para la abolicion del Trafico de Esclavos de la Republica de Bolivia.*

*Instrucciones para los buques de las armadas Boliviana y Britanica, destinados á impedir al Trafico de Esclavos.*

**ARTICULO I.** El comandante de cualquier buque de guerra perteneciente á la armada Boliviana ó Britanica, que se halle provisto de estas Instrucciones, tendrá derecho de visitar, registrar, y detener cualquier embarcacion mercante Boliviana ó Britanica que actualmente estuviere empleada en el Comercio de Esclavos, ó que induzca sospecha de estarlo, ó de haberse equipado al efecto, ó de haberse empleado en dicho Trafico durante el viaje en que la encontrare el referido buque de guerra de la armada Boliviana ó Britanica ; y el sobredicho comandante conducirá en consecuencia ó enviará la embarcacion mercante, lo mas pronto posible, para que sea juzgada, ante uno de los Tribunales Mixtos de Justicia establecidos en virtud del Articulo VII de este Tratado, prefiriendose el Tribunal que estuviere mas cerca del paraje de la detencion, ó al que dicho comandante crea, bajo su propia responsabilidad, que puede arribarse mas pronto desde el mismo paraje.

**ARTICULO II.** Siempre que el comandante de un buque de cualquiera de las dichas armadas, debidamente autorizado del modo que arriba se expresa, encontrare una embarcacion mercante que se hallare en el caso de ser visitada en virtud de las estipulaciones del dicho Tratado, se verificará el registro con la mayor moderacion, y con todos los miramientos que de-

officer holding a rank not lower than that of lieutenant in the navy of Great Britain, or of the Republic of Bolivia respectively (unless the command shall, by reason of death, or otherwise, be held by an officer of inferior rank), or by the officer who, at the time, shall be second in command of the ship by which such search is made.

**ARTICLE III.** The commander of any ship of the two navies duly authorized as aforesaid, who may detain any merchant vessel in pursuance of the tenor of the present Instructions, shall leave on board the vessel so detained, the master, the mate, or boatswain, and two or three, at least, of the crew thereof; the whole of the Slaves, if any; and all the cargo.

The captor shall, at the time of detention, draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel; such declaration to be signed by himself, and to be given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be carried or sent for adjudication.

He shall deliver to the master of the detained vessel a certified list of the papers seized on board the same, as well as of the number of Slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of

ben observarse entre naciones aliadas y amigas; ejecutandolo en todos casos un oficial de no menor graduacion que la de teniente de la respectiva armada Boliviana ó Britanica (á menos que por muerte ó por otro motivo haya recaido el mando en otro oficial de inferior grado) ó por el oficial que á la sazon sea segundo comandante de buque que haga el registro.

**ARTICULO III.** El comandante de cualquier buque de una u otra de las dos armadas, debidamente autorizado segun lo arriba dicho, que detuviere una embarcacion mercante con arreglo al tenor de las presentes Instrucciones, dejara abordo de la embarcacion asi detenida al capitán, al piloto ó contramaestre, y á dos ó tres, á lo menos, de su tripulacion; todos los Esclavos, si algunos hubiere; y toda la carga.

El aprehensor, al tiempo de la detencion, extenderá por escrito una declaracion autentica, en la que se manifieste el estado en que se encontró la embarcacion detenida, firmando el mismo la declaracion, y entregandola ó envian-dola, junto con la embarcacion detenida, al Tribunal Mixto de Justicia á que la dicha embarcacion fuere conducida ó enviada por adjudicacion.

El aprehensor entregará ademas al capitán de la embarcacion detenida, una lista certificada bajo su firma, de los papeles tomados á bordo, y del numero de Esclavos que se hubiese encontrado en ella al momento de la detencion.

En la declaracion autentica que el aprehensor queda por el presente Articulo obligado á hacer, é igualmente en la lista certificada de los papeles tomados, se expresarán su propio nombre y apellido el nombre del buque aprehensor, la latitud y longitud del paraje en que se hubiere efectuado la deten-

Slaves found on board the vessel at the time of the detention.

The officer in charge of the vessel detained shall, at the time of his bringing the vessel's papers in to the Mixed Court of Justice, deliver in to the Court a paper, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the Slaves (if any), and her cargo, between the period of her detention and the time of delivering in such paper.

**ARTICLE IV.** The Slaves shall not be disembarked, till after the vessel which contains them shall have arrived at the place of adjudication, in order that, in the event of the vessel not being adjudged legal prize, the loss of the proprietors may be more easily repaired; and even after the Slaves have arrived at such place, they are not to be landed without the permission of the Mixed Court of Justice.

But if urgent reasons, deduced from the length of the voyage, from the state of health of the Slaves, or from other causes, should require that either the whole or a portion of the Negroes should be disembarked before the vessel can arrive at the place at which one of the said Courts is established, the commander of the capturing ship may take upon himself the responsibility of so disembarking the Negroes, provided that such necessity, and the causes thereof, be stated in a certificate in proper form, and that this certificate be entered at the time on the log-book of the detained vessel.

The undersigned Plenipotenti-

cion, y el numero de Esclavos que se hubiere hallado abordo de la embarcacion mercante al tiempo de la detencion.

El oficial encargado de conducir la embarcacion detenida, entregara al Tribunal Mixto de Justicia, al tiempo de presentarle los papeles de aquella, un documento bajo su firma, en el que exprese con juramento las variaciones que hayan ocurrido respecto á la embarcacion, á su tripulacion, á los Esclavos (si los hubiere), y á su cargamento, en el tiempo transcurrido desde su detencion hasta la entrega de dicho documento.

**ARTICULO IV.** Los Esclavos no se desembarcarán hasta tanto que la embarcacion que los conduzca haya llegado al lugar donde va á ser juzgada, á fin de que, si sucediere que la embarcacion no fuere declarada buena presa, puede resarcirse mas facilmente la perdida de los propietarios; y aun despues de la llegada de los Esclavos á dicho lugar, no serán estos desembarcados sin que preceda al efecto la licencia del Tribunal Mixto de Justicia.

Pero si motivos urgentes, originados de lo largo del viaje, ó del estado de salud de los Esclavos, ó de otras causas, exijieren que todos los Negros, ó parte de ellos, se desembarquen antes de que la embarcacion llegue al lugar de la residencia de uno de los referidos Tribunales, el comandante del buque aprehensor podrá tomar sobre si la responsabilidad de este desembarco, con tal que la necesidad y causas de ello se expresen en un certificado en debida forma, y que este certificado se extienda, llegado que sea el caso, en el libro de navegacion de la embarcacion detenida.

Los infrascritos Plenipotenci-

aries have agreed, in conformity with the XIIith Article of the Treaty signed by them on this day, the twenty-fifth of September, of one thousand eight hundred and forty, that the preceding Instructions, consisting of four Articles, shall be annexed to the said Treaty, and be considered as an integral part thereof.

The twenty-fifth day of September, of one thousand eight hundred and forty.

(L.S.) BELFORD HINTON WILSON.

(L.S.) JOSE MA. LINARES.

arios han convenido, en conformidad con el Articulo XIII del Tratado firmado por ellos el dia de hoy veinticinco de Setiembre, de mil ochocientos cuarenta, que las presentes Instrucciones, compuestas de cuatro Articulos, correrán anexas á dicho Tratado, y serán consideradas como parte integral de el.

Hoy veinticinco de Setiembre, de mil ochocientos cuarenta.

(L.S.) JOSE MA. LINARES.

(L.S.) BELFORD HINTON WILSON.

*Annex B to the Treaty between Great Britain and the Republic of Bolivia, for the abolition of the Slave Trade of the Republic of Bolivia.*

*Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa, and in the possessions of the Republic of Bolivia.*

ARTICLE I. The Mixed Courts of Justice to be established under the provisions of the Treaty, of which these Regulations are declared to be an integral part, shall be composed in the following manner.

Each of the two High Contracting Parties shall name a judge and an arbitrator, who shall be authorized to hear, and to decide without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The judges and the arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal magistrate of the places in which such Courts respectively

*Adicional B al Tratado entre la Republica de Bolivia y la Gran Bretaña, para la abolicion del Trafico de Esclavos de la Republica de Bolivia.*

*Reglamento para los Tribunales Mixtos de Justicia que han de residir en el territorio de la Republica de Bolivia, y en la Costa de Africa.*

ARTICULO I. Los Tribunales Mixtos de Justicia que se han de establecer en virtud de las estipulaciones del Tratado de que este Reglamento se declara ser parte integrante, se compondrán de la manera siguiente.

Cada una de las dos Altas Partes Contratantes nombrará un juez y un arbitro autorizados para examinar y sentenciar, sin apelación, todos los casos de captura ó detención de embarcaciones que, en arreglo á las estipulaciones del sobredicho Tratado, sean conducidas ante ellos. Estos jueces y arbitros, antes de entrar en el ejercicio de sus funciones, se obligarán por juramento, que prestarán ante el magistrado superior del lugar en donde los respectivos Tribunales

shall reside, that they will judge fairly and faithfully; that they will have no preference, either for the claimants or the captors; and that they will act in all their decisions, in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a Secretary or Registrar, who shall be appointed by the Government of the country within the territories of which such Court shall reside.

Such Secretary or Registrar shall register all the acts of such Court, and shall, before he enters upon his office, make oath before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the Secretary or Registrar of the Court to be established on the coast of Africa, shall be paid by Her Britannic Majesty; and that of the Secretary or Registrar of the Court to be established in the possessions of the Republic of Bolivia, shall be paid by the Government of the Republic of Bolivia.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such Courts.

**ARTICLE II.** The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, Slaves, and cargo, and with the execution of the sentence; and all disbursements occasioned by bringing a vessel to adjudication; shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the broken-up vessel, of the ship's stores, and of such parts of the cargo as shall consist of merchandize; and in case the proceeds arising from this sale

residan, á juzgar leal y fielmente; á no mostrar parcialidad en favor de los aprehendidos ni de los aprehensores; y á observar en todas sus sentencias, las estipulaciones del sobredicho Tratado.

A cada uno de los Tribunales Mixtos se agregará un Secretario ó Actuario, nombrado por el Gobierno del país en cuyo territorio dicho Tribunal residiere.

Este Secretario ó Actuario extenderá los procedimientos del Tribunal, y antes de entrar en el ejercicio de sus funciones, prestará juramento ante el Tribunal á que se le destine, de conducirse con el debido respeto á la autoridad del mismo Tribunal, y de obrar fiel e imparcialmente en todo quanto concierne á su cargo.

El sueldo del Secretario ó Actuario que se establezca en el territorio Boliviano, será pagado por la Republica de Bolivia; y el del Secretario ó Actuario del Tribunal que se establezca en la costa de África, será pagado por Su Majestad Britanica.

Cada uno de los dos Gobiernos satisfará la mitad del importe total de los gastos de los expresados Tribunales Mixtos.

**ARTICULO II.** Los gastos hechos por el oficial encargado de recibir, mantener, y cuidar la embarcacion detenida, sus Esclavos y cargamento, y de la ejecucion de la sentencia; y todos los desembolsos que se hiciesen para conducir una embarcacion á ser juzgada; serán satisfechos, en el caso de ser condenada, de los fondos producidos por la venta de los materiales de la embarcacion hecha pedazos; de los enseres de la embarcacion; y de la parte de su cargamento que consista en mer-

should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, excepting in the cases specified, and otherwise provided for, under Article X of the Treaty to which these Regulations form an Annex, and under Article VII of these Regulations.

**ARTICLE III.** The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruisers of either nation shall, in pursuance of the said Treaty, detain.

These Courts shall judge definitely and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Courts shall take place with as little delay as possible; and for this purpose, the Courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding Court shall reside.

The final sentence shall not, in any case, be delayed beyond the period of two months, either on account of the absence of witnesses, or for any other cause; except upon the application of any of the parties interested, in which case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the Courts may, at their discre-

cancias. Si los productos de esta venta no fueren suficientes para satisfacer los mencionados gastos, se abonará el deficit por el Gobierno del pais en cuyo territorio se haya adjudicado la embarcacion.

Y dado caso que la embarcacion detenida fuere absuelta, los gastos que haya ocasionada su conduccion ante el Tribunal respectivo se satisfarán por los aprehensores, salvo en los casos en que se ha dispuesto otra cosa, especificados en el Articulo X del Tratado de que este Reglamento forma parte, y en el Articulo VII de este mismo Reglamento.

**ARTICULO III.** Los Tribunales Mixtos de Justicia decidirán de la legalidad de la detencion de las embarcaciones que los cruzeros de una ú otra nación aprehendan, en cumplimiento del sobredicho Tratado.

Estos Tribunales juzgarán definitivamente y sin apelacion, todas las cuestiones á que den lugar la captura y detencion de las embarcaciones.

Los procedimientos judiciales de estos Tribunales se efectuarán con la menor demora que fuere posible; y con este fin, se les encarga que, en cuanto sea practicable, decidan cada caso en el termino de veinte dias, contados desde el de la entrada de la embarcacion aprehendida en el puerto donde residiere el Tribunal que debe juzgarla.

En ningun caso tardará la sentencia definitiva mas de dos meses, ya sea por ausencia de testigos, ó por otra causa cualquiera, salvo cuando alguna ó algunas de las partes interesadas lo soliciten; en cuyo caso, presentandose por la dicha parte ó partes interesadas las competentes fianzas de tomar sobre si los gastos y riesgos de la dilacion, los Tribunales podrán conceder, á su arbitrio, una nueva

tion, grant an additional delay, not exceeding four months. Either party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

All the essential parts of the proceedings of the said Courts, shall be written down in the language of the country in which the Courts shall respectively reside.

#### ARTICLE IV. The form of the process shall be as follows:

The judges appointed by the two nations, respectively, shall, in the first place, proceed to examine the papers of the detained vessel, and to take the depositions of the master or commander, and of two or three, at least, of the principal individuals on board such vessel; as well as the declaration, on oath, of the captor, should such declaration appear necessary to enable them to judge and to pronounce whether the said vessel has been justly detained or not according to the stipulations of the aforesaid Treaty; so that, according to the judgment pronounced, the vessel may be condemned or released.

In the event of the two judges not agreeing as to the sentence which they ought to pronounce in any case brought before them, either with respect to the legality of the detention, the liability of the vessel to condemnation, or the compensation to be allowed, or as to any other question which may arise out of the said capture; or if any difference of opinion should arise between them as to the mode of proceeding in the said Court, they shall draw by lot the name of one of the two arbitrators appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken

demora que no pase de cuatro meses. Cada parte tendrá la facultad de emplear para quo la dirija en los tramites de la causa, á los letrados que guste.

Todas las actuaciones ó procedimientos esenciales de los mencionados Tribunales, se extenderán por escrito en la lengua del país donde resida el Tribunal respectivo.

#### ARTICULO IV. El modo de enjuiciar será como sigue:

Los jueces nombrados respectivamente por cada una de las dos naciones, procederán ante todas cosas á examinar los papeles de la embarcacion aprehendida, y á tomar las declaraciones del capitán ó comandante, y de dos ó tres, al menos, de los principales individuos que se hubieren hallado á bordo ella; y si lo creyesen necesario, tomarán tambien declaración jurada al aprehensor, para que tengan los medios de juzgar y fallar si dicha embarcacion ha sido justa ó injustamente aprehendida, con arreglo á las estipulaciones del Tratado susodicho; de manera que la embarcacion sea condenada ó absuelta en virtud de este juicio.

Si sucediere que los dos jueces no estén acordes á cerca de la sentencia que deben pronunciar en el caso sometido á su deliberacion, ya sea en cuanto á la legalidad de la detencion, ya en cuanto á si la embarcacion está en el caso de ser condenada, ya sobre la indemnizacion que haya de darsele, ó sobre cualquiera otra cuestión que emané de la susodicha captura; ó si se suscitase entre ellos divergencia de opiniones á cerca del modo de proceder del Tribunal; sacarán á la suerte el nombre de uno de los dos arbitros establecidos como arriba se expresa; y este arbitro, despues de examinados los procedimientos

place, shall consult with the two above-mentioned judges, [and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

**ARTICLE V.** If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Court, claim to have a valuation made in order to ascertain the amount of the damages to which he shall be entitled. The captor himself, and in his default his Government, shall remain responsible for the damages which may definitely be pronounced to be due to the master of such vessel, or to the owners of the vessel, or of her cargo.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject or citizen.

**ARTICLE VI.** If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the Slaves who shall have been brought on board for the purposes of commerce; and the said vessel, in conformity with the regulations in Article XI of the Treaty of this date, shall, as well as her cargo, be sold by public sale, for the profit of the two Governments, subject to the pay-

que se hayan verificado, conferenciará sobre el caso con los dos sobredichos jueces, y la sentencia ó fallo definitivo se pronunciará con arreglo al dictamen de la mayoría de los tres.

**ARTICULO V.** Si la embarcacion detenida fuere restituida por sentencia del Tribunal, ella y su cargamento, en el estado en que entonces se encuentren, se entregarán en el acto al capitán, ó á la persona que le represente; y dicho capitán, ó la persona que haga sus veces, podrá reclamar ante el mismo Tribunal la valuacion de los perjuicios cuyo resarcimiento tenga derecho de pedir. El aprehensor, y á falta de este, su Gobierno, quedará responsable al pago de los perjuicios á que hayan sido definitivamente declarados acreedores el capitán de la embarcacion, ó los propietarios de la misma ó de su cargá.

Las dos Altas Partes Contratantes se obligan á satisfacer, dentro del termino de un año, contado desde la fecha de la sentencia, los costas y perjuicios cuya compensacion haya sido concedida por el susodicho Tribunal; quedando mutuamente entendido y convenido, que estas costas y perjuicios serán abonados por el Gobierno del pais de que el aprehensor sea ciudadano ó subdito.

**ARTICULO VI.** Si la embarcacion aprehendida fuere condenada, será declarada buena presa, junto con su cargamento, de cualquier naturaleza que este sea, á excepcion de los Esclavos que hayan sido condecidos á su bordo con el objeto de traficar con ellos; y dicha embarcacion, de conformidad con las reglas del Articulo XI del Tratado de esta fecha, será vendida, igualmente que su cargamento, en publica subasta, á beneficio de ambos Gobiernos, des-

ment of the expenses hereinbefore mentioned.

The Slaves shall receive from the Court a certificate of emancipation ; and shall be delivered over to the Government to whom belongs the cruiser which made the capture ; to be dealt with according to the regulations and conditions contained in the Annex to this Treaty, *sub literā C.*

The charges incurred for the support and for the return voyage of the commanders and crews of condemned vessels, shall be defrayed by the Government of which such commanders and crews are the subjects or citizens.

ARTICLE VII. The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively, and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts ; and in all cases wherein restitution of such vessels and cargoes shall be decreed, (save as mentioned in Article X of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations,) the Court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention, that is to say :—

1. In case of total loss, the claimant or claimants shall be indemnified,—

A. For the ship, her tackle, equipment, and stores.

B. For all freights due and payable.

pues de satisfechos los gastos que arriba se expresan.

Los Esclavos recibirán del Tribunal un certificado de emancipación, y serán entregados al Gobierno á quien pertenece el crucero que ha hecho la presa, para que se les trate conforme al reglamento y condiciones contenidas en el Adicional C de este Tratado.

Los gastos que se ocasionen por la manutención y viaje [de retorno de los comandantes y tripulaciones de las embarcaciones condenadas, serán costeados por el Gobierno de que dichos comandantes y tripulaciones sean ciudadanos ó subditos.

ARTICULO VII. Los Tribunales Mixtos de Justicia examinarán tambien, y juzgarán definitivamente y sin apelación, todas las demandas que se les hagan por compensación de perdidas ocasionadas á las embarcaciones y cargas detenidas con arreglo á las estipulaciones de este Tratado, pero que no hayan sido condenadas como presas legales por dichos Tribunales : y en todos los casos en que se decrete la restitución de dichas embarcaciones y cargas, (salvo en los mencionados en el Artículo X del Tratado á que este Reglamento corre anexo, y en una parte subsiguiente de este mismo Reglamento,) el Tribunal concederá al reclamante ó reclamantes, ó á su apoderado ó apoderados legalmente constituidos, una justa y completa indemnización por todas las costas del proceso, y por todas las perdidas y perjuicios que el propietario ó propietarios hayan experimentado en consecuencia de dicha captura y detención, á saber :—

1. En caso de perdida total, el reclamante ó reclamantes serán indemnizados,—

A. Por el buque, sus aparejos, equipo, y provisiones.

B. Por todos los fletes debidos y pagaderos.

C. For the value of the cargo of merchandize, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

D. For all other regular charges in such case of total loss.

2. In all other cases, not of total loss, save as hereinafter mentioned, the claimant or claimants shall be indemnified,—

A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable.

B. For demurrage, according to the Schedule annexed to the present Article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risks.

Further, the claimant or claimants shall be entitled to interest, at the rate of five per cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs; the whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be paid at the rate of exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present

C. Por el valor del cargamento de mercancías, si algunas hubiere; deduciendo todos los gastos y costas pagaderos sobre la venta de dicho cargamento, inclusa la comisión de venta.

D. Por todas las demás cargas regulares en dicho caso de perdida total.

2. En todos los demás casos que no fueren de perdida total, salvo los que abajo se mencionan, el reclamante ó reclamantes serán indemnizados,—

A. Por todos los perjuicios y gastos especiales que experimentare el buque por su detención, y por la perdida de los fletes debidos y pagaderos.

B. Por estadias, segun la Tarifa anexa al presente Artículo.

C. Por cualquiera deterioro del cargamento.

D. Por todo premio de seguros sobre riesgos adicionales.

Ademas el reclamante ó reclamantes tendrán derecho al interes de un cinco por ciento anual sobre la suma concedida, hasta que dicha suma sea pagada por el Gobierno á que pertenezca el buque apresurado; y el importe total de todas estas indemnizaciones se calculará en moneda del país á que pertenezca la embarcacion apresurado, y se pagará segun el cambio corriente al tiempo de hacerse la concesion.

Sin embargo, las dos Altas Partes Contratantes han acordado, que si se prueba á satisfaccion de los jueces de ambas naciones, y sin recurrir á la decision de un arbitro, que el aprehensor ha sido inducido á error por culpa del capitán ó comandante de la embarcacion detenida, no tendrá esta en tal caso derecho, á cobrar, por el tiempo de su detención, las estadias estipuladas en el presente Artículo, ni otra alguna compensacion por perdidas,

Article, nor any other compensation for losses, damages, or expenses, consequent upon such detention.

*Schedule of demurrage or daily allowance for a vessel of*

Tons.		£5 p. diem,
100 to 120 inclusive,		
121	150	6 "
151	170	8 "
171	200	10 "
201	220	11 "
221	250	12 "
251	270	14 "
271	300	15 "

and so on in proportion.

ARTICLE VIII. Neither the judges, nor the arbitrators, nor the secretaries of the Mixed Courts of Justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries, have to perform.

ARTICLE IX. The two High Contracting Parties have agreed that, in the event of the death, sickness, absence on leave, or other legal impediment, of one or more of the judges or arbitrators composing the above-mentioned Courts respectively, the post of such judge or of such arbitrator shall be supplied, *ad interim*, in the following manner:—

1. On the part of Her Britannic Majesty, and in that Court which shall sit within the possessions of Her said Majesty,—if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled, successively, by

danos, ó gastos consiguientes á su detencion.

*Tarifa de estadias, ó sea abono diario, para una embaracion desde*

Toneladas	Libras Esterlinas
100 á 120 inclusive,	5 por dia,
121	150
151	170
171	200
201	220
221	250
251	270
271	300

y asi proporcionalmente.

ARTICULO VIII. Ni los jueces, ni los arbitros, ni los secretarios de los Tribunales Mixtos de Justicia, pedirán ni recibirán de ninguna de las partes interesadas en los casos que se juzgaren por dichos Tribunales, emolumento ó dadiva alguna, bajo cualquier pretexto que sea, por el cumplimiento de los deberes que á dichos jueces, arbitros, y secretarios incumben.

ARTICULO IX. Las dos Altas Partes Contratantes han acordado que en caso de muerte, enfermedad, ausencia con licencia temporal, ó cualquiera otro impedimento legal de uno ó mas de los jueces ó arbitros que formen los sobre dichos Tribunales, la vacante del mencionado juez ó arbitro se llenará interinamente del modo que sigue:—

1. Por parte de la Republica de Bolivia, y en el Tribunal que actue en el territorio de la dicha Republica,—si la vacante fuere la del juez Boliviano, se llenará su puesto por el arbitro Boliviano; y en este caso, ó en el de que la vacante fuere originariamente la del arbitro Boliviano, será este reemplazado sucesivamente por la mas alta autoridad civil residente en

the Governor or Lieutenant-Governor resident in such possession; by the principal magistrate of the same; and by the Secretary of the Government; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

2. On the part of Great Britain, and in that Court which shall sit within the possessions of the Republic of Bolivia,—if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of British arbitrator shall be filled successively by the British Consul and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to, and resident in, such possession; and if the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul, if there be a British Consul and a British Vice-Consul appointed to, and resident in, such possession; and if there shall be no British Consul or British Vice-Consul to fill the place of British arbitrator, then the Bolivian arbitrator shall be called in, in those cases in which a British arbitrator, if there were any, would be called in; and in case the vacancy be both of the British judge and British arbitrator, and there be neither British Consul nor British Vice-Consul to fill *ad interim*, the vacancies,—then the Bolivian judge and Bolivian arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

la expresada posesion; por el magistrado principal de la misma; y por el secretario de la mas alta autoridad civil; y el Tribunal asi constituido entrará en el ejercicio de sus funciones, y procederá en consecuencia á juzgar todos los casos que se le presenten, y á pronunciar sentencia sobre ellos.

2. Por parte de la Republica de Bolivia, y en el Tribunal que actue en una posesion de Su Majestad Britanica,—si la vacante fuere la del juez Boliviano, se llenará por el arbitro Boliviano; y en este caso, ó en el de que la vacante fuere originariamente la del arbitro Boliviano, será este reemplazado sucesivamente por el Consul Boliviana, y por el Vice-Consul Boliviano, si hubiere Consul ó Vice-Consul Bolivianos nombrados para dicha posesion, y residentes en ella; y en el caso de que la vacante fuere á un mismo tiempo del juez y del arbitro Bolivianos, la vacante del juez Boliviano se llenará por el Consul Boliviano, y la del arbitro Boliviano por el Vice-Consul Boliviano, si hubiere Consul y Vice-Consul Bolivianos nombrados para dicha posesion, y residentes en ella; y si no hubiere Consul ni Vice-Consul Bolivianos para reemplazar el arbitro Boliviano, el arbitro Britanico será llamado en todos los casos en que el arbitro Boliviano sería llamado, si lo hubiere; y en caso de que la vacante fuere del juez y del arbitro Bolivianos á un mismo tiempo, y no hubiere Consul ni Vice-Consul Bolivianos para reemplazarlos interinamente, entonces actuarán el juez y el arbitro Britanicos, y procederán en consecuencia á juzgar todos los casos que se les presenten, y á pronunciar sentencia sobre ellos.

3. On the part of the Republic of Bolivia, and in that Court which shall sit within the territories of the said Republic,—if the vacancy be that of the Bolivian judge, his place shall be filled by the Bolivian arbitrator; and either in that case, or if the vacancy be originally that of the Bolivian arbitrator, the place of such arbitrator shall be filled, successively, by the highest civil authority resident in such possession; by the principal magistrate of the same; and by the secretary of the highest civil authority; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

4. On the part of the Republic of Bolivia, and in that Court which shall sit within the possessions of Her Britannic Majesty,—if the vacancy be that of the Bolivian judge, his place shall be filled by the Bolivian arbitrator; and either in that case, or if the vacancy be originally that of the Bolivian arbitrator, the place of arbitrator shall be filled successively by the Bolivian Consul and Bolivian Vice-Consul, if there be a Bolivian Consul or Vice-Consul appointed to, and resident in, such possession; and if the vacancy be both of the Bolivian judge and of the Bolivian arbitrator, then the vacancy of the Bolivian judge shall be filled by the Bolivian Consul, and that of the Bolivian arbitrator by the Bolivian Vice-Consul, if there be a Bolivian Consul and a Bolivian Vice-Consul appointed to, and resident in, such possession; and in the case in which there be no Bolivian Consul, or Vice-Consul to fill the place of Bolivian arbitrator, then the British arbitrator shall be

3. Por parte de Su Majestad Britanica, y en el Tribunal que residiere en una posesion de S Majestad,—si la vacante fuere la del juez Britanico, su puesto se llenará por el arbitro Britanico; y en este caso, ó en el de que la vacante fuere originariamente la del arbitro Britanico, este será reemplazado sucesivamente por el gobernador ó teniente gobernador residente en la expresa posecion; por el magistrado principal de la misma; ó por el secretario del gobierno; y el Tribunal así constituido entrará en el ejercicio de sus funciones, y procederá en consecuencia á juzgar todos los casos que se le presenten, y á pronunciar sentencia sobre ellos.

4. Por parte de la Gran Bretaña, y en el Tribunal que actue en el territorio de la Republica de Bolivia,—si la vacante fuere la del juez Britanico, se llenará por el arbitro Britanico; y en este caso, ó en el de que la vacante fuere originariamente la del arbitro Britanico, este será reemplazado sucesivamente por el Consul Britanico y por el Vice-Consul Britanico, si hubiere Consul ó Vice-Consul Britanicos nombrados para el lugar en que actuare dicho Tribunal, y residentes en el; y en el caso de que la vacante fuere á un mismo tiempo del juez y del arbitro Britanicos, la vacante del juez Britanico se llenará por el Consul Britanico, y la del arbitro Britanico por el Vice-Consul Britanico, si hubiere Consul y Vice-Consul Britanicos nombrados para dicho lugar, y residentes en el; y si no hubiere Consul ni Vice-Consul Britanicos para reemplazar al arbitro Britanico, el arbitro Boliviano será llamado en los casos en que el arbitro Britanico seria llamado, si lo hu-

called, in those cases in which a Bolivian arbitrator would be called in; and in case the vacancy be both of the Bolivian judge and Bolivian arbitrator, and there be neither Bolivian Consul nor Bolivian Vice-Consul to fill, *ad interim*, the vacancies, then the British judge and British arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Courts of Justice shall sit, shall, in the event of a vacancy arising either of the judge or the arbitrator of the other High Contracting Party, forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period: and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned Courts from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed by them on this day, the twenty-fifth of September, of one thousand eight hundred and forty, that the preceding Regulations, consisting of nine Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

The twenty-fifth day of September, of one thousand eight hundred and forty.

(L.S.) BELFORD HINTON WILSON.

(L.S.) JOSE MA. LINARES.

biere; y en caso de que la vacante fuere del juez y del arbitro Britanicos á un mismo tiempo, y no hubiere Consul ni Vice-Consul Britanicos para reemplazarlos interinamente, entonces actuarán el juez y el arbitro Bolivianos, y procederán en consecuencia á juzgar todos los casos que se les presenten, y á pronunciar sentencia sobre ellos.

La mas alta autoridad civil de la posesion en que cualquiera de los Tribunales Mixtos residiere, cuando ocurra una vacante, sea de juez ó de arbitro, de la otra Alta Parte Contratante, lo participará inmediatamente á la mas alta autoridad civil de la posesion mas inmediata de dicha Alta Parte Contratante, para que se llene la vacante en el termino mas corto posible; y ambas Partes Contratantes convienen en llenar definitivamente, y tan pronto como se pueda, las vacantes que por fallecimiento ó por cualquiera otra causa, ocurrán en los sobredichos Tribunales.

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Los infrascritos Plenipotenciarios han acordado con arreglo al Articulo XIII del Tratado que han firmado hoy veinticinco de Setiembre, de mil ochocientos cuarenta, que el Reglamento precedente, compuesto de nueve Articulos, correrá anexo á dicho Tratado, y será considerado parte integrante del mismo.

Hoy veinticinco de Setiembre, de mil ochocientos cuarenta.

(L.S.) JOSE MA. LINARES.

(L.S.) BELFORD HINTON WILSON.

*Annex C. Regulations for the good treatment of liberated Negroes.*

**ARTICLE I.** The object and spirit of these Regulations is to secure to Negroes liberated by virtue of the stipulations of the Treaty to which these Regulations form an Annex (marked C), permanent good treatment, and full and complete freedom, in conformity with the humane intentions of the High Contracting Parties.

**ARTICLE II.** Immediately after sentence of condemnation shall have been passed by a Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, on a vessel charged with being concerned in illegal Slave Trade, all Negroes who were brought on board such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government to whom belongs the cruiser which made the capture.

**ARTICLE III.** If the cruiser which made the capture is British, the British Government engages that the Negroes shall be treated in exact conformity with the laws in force in the British colonies for the regulation of free or of emancipated Negroes.

**ARTICLE IV.** If the cruiser which made the capture is Bolivian, then the Negroes shall be delivered over to the Bolivian authorities of that place in the dominions of the Republic of Bolivia, in which the Mixed Court of Justice is established; and the Bolivian Government solemnly engages that such Negroes shall there be treated strictly according to the regulations actually in force in the Republic of Bolivia, with respect to free Negroes, or according to such regulations as may in

*Adicional C. Reglamento para el buen trato de los Negros emancipados.*

**ARTICULO I.** El objeto y espiritu de este Reglamento se encaminan á asegurar á los Negros emancipados en virtud de las estipulaciones del Tratado á que es anexo (bajo la letra C), un buen trato permanente, y una entera y completa libertad, de conformidad con las intenciones beneficas de las Altas Partes Contratantes.

**ARTICULO II.** Inmediatamente despues que el Tribunal Mixto de Justicia, establecido en virtud del Tratado á que va anexo este Reglamento, hubiere pronunciado sentencia condenando á una embarcacion acusada de haber tomado parte en el Trafico ilegal de Esclavos, todos los Negros que se hubieren hallado en dicha embarcacion, y hubieren sido conducidos á su bordo con el objeto de traficar con ellos, serán entregados al Gobierno á que pertenezca el cruzero que haya hecho la presa.

**ARTICULO III.** Si es Britanico el cruzero que ha hecho la presa, el Gobierno Britanico se obliga á que los Negros serán tratados en absoluta conformidad con las leyes vigentes en las colonias de la Gran Bretaña con respecto á los Negros libres ó emancipados.

**ARTICULO IV.** Si fuere Boliviano el cruzero que ha hecho la presa, en este caso se entregarán los Negros á las autoridades Bolivianas de aquel lugar de los dominios de la Republica de Bolivia, en que se hallé establecido el Tribunal Mixto de Justicia; y el Gobierno Boliviano se obliga solemnemente á que dichos Negros serán tratados allí con estricta sujecion á los reglamentos vigentes en la Republica de Bolivia, con respecto á los Negros libres, ó en conformidad con los

future be established in the Republic of Bolivia in this respect; and which regulations shall always have in view the humane object of securing honestly and faithfully to emancipated Negroes, the unmolested enjoyment of their liberty, good treatment, a knowledge of the tenets of the Christian religion, advancement in morality and civilization, and sufficient instruction in the mechanical arts; in order that the said emancipated Negroes may be enabled to earn their own subsistence, whether as artisans, mechanics, or servants.

**ARTICLE V.** For the purpose which is explained in Article VI, there shall be kept in the office of the principal civil authority of the part of the possessions of the Republic of Bolivia, where the Mixed Court of Justice resides, a register of all emancipated Negroes; in which shall be entered, with scrupulous exactness, the names given to the Negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstances likely to contribute to the end in view.

**ARTICLE VI.** The register to which the preceding Article refers, will serve to form a general return, which the highest civil authority of that part of the possessions of the Republic of Bolivia, where the Mixed Court of Justice resides, shall be bound to deliver every six months to the aforesaid Mixed Commission, in order to show the existence of the Negroes emancipated under this Treaty, the improvement made in their condition, and the progress made in their religious and moral instruction, and in the arts of life. The aforesaid return shall also specify the names and descriptions of such of the

reglamentos que en adelante se establecieren en la Republica de Bolivia, sobre esta materia; los cuales reglamentos tendrán siempre el benefico objeto de asegurar franca y lealmente á los Negros emancipados el goze de la libertad adquirida libre de toda molestia, el buen trato, el conocimiento de los dogmas de la religion Cristiana, su adelantamiento en la moral y la civilizacion, y la instruccion suficiente en los oficios mecanicos, para que dichos Negros emancipados se hallen en estado de mantenerse por si mismos, como artesanos, menestrales, ó criados domesticos.

**ARTICULO V.** Con el fin que se explica en el Articulo VI, se llevará en la secretaria de la mas alta autoridad civil de aquella parte de la Republica de Bolivia en que residiere el Tribunal Mixto de Justicia, un registro de todos los Negros emancipados, en que se escribirán, con exactitud escrupulosa, los nombres que se hayan puesto á los Negros, los nombres de las embarcaciones en que hayan sido apresados, los de las personas á cuyo cuidado se encargaren, y cualesquiera otras circunstancias que contribuyan al fin propuesto.

**ARTICULO VI.** El registro á que se refiere el precedente Articulo, servirá para formar un estado jeneral, que la mas alta autoridad civil de aquella parte de las posesiones de la Republica de Bolivia en que resida el Tribunal Mixto de Justicia, será obligado á entregar cada seis meses la mencionada Tribunal Mixto, con el objeto de hacer constar la existencia de los Negros que en virtud de este Tratado se emanciparen, las mejoras de su condicion, y los progresos de su enseñanza religiosa, moral, é industrial. Dicho estado especificará asi mismo los nombres y descripciones de los Negros emancipi-

emancipated Negroes as shall have died during the period for which the return is made up.

**ARTICLE VII.** The High Contracting Parties agree that if in future it should appear necessary to adopt new measures, in consequence of those laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together, and will agree upon other means better adapted for the complete attainment of the objects proposed.

**ARTICLE VIII.** The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed by them on this day, the twenty-fifth of September, of one thousand eight hundred and forty, that this Annex, consisting of eight Articles, shall be united to the said Treaty, and be considered an integral part thereof.

The twenty-fifth day of September, of one thousand eight hundred and forty.

(L.S.) BILFORD HINTON WILSON.

(L.S.) JOSE MA. LINARES.

pados que hayan fallecido durante el periodo á que corresponde el estado.

**ARTICULO VII.** Las Altas Partes Contratantes acuerdan, que si en adelante pareciere necesario adoptar nuevas medidas por haber resultado ineficaces las que en este Adicional van mencionadas, consultarán entre si, y de comun acuerdo establecerán otros medios mas á propósito para el completo logro de los fines que se proponen.

**ARTICULO VIII.** Los infrascritos Plenipotenciarios han acordado, de conformidad con el Artículo XIII del Tratado que han firmado el dia de hoy veinticinco de Setiembre, de mil ochocientos cuarenta, que el presente Adicional, compuesto de ocho Articulos, corra anexo á dicho Tratado, y será considerado como parte integrante del mismo.

Hoy veinticinco del mes de Setiembre, de mil ochocientos cuarenta.

(L.S.) JOSE MA. LINARES.

(L.S.) BILFORD HINTON WILSON.

#### ARTICLES ADDITIONAL

*to the Treaty concluded this twenty-fifth day of September, of one thousand eight hundred and forty, between Her Britannic Majesty and the Republic of Bolivia, for the suppression of the Slave Trade.*

**ARTICLE I.** It is agreed and understood, that if there should be any delay in appointing the judge and the arbitrator, to be nominated on the part of the Republic of Bolivia, to act in each of the Mixed Courts of Justice to be established under this Treaty, or if those officers, after being appointed, should at any time be absent, then, and in

#### ARTICULOS ADICIONALES

*al Tratado concluido hoy veinticinco del mes de Setiembre, de mil ochocientos cuarenta, entre la Republica de Bolivia y Su Majestad Britanica, para la abolicion del Comercio de Esclavos.*

**ARTICULO I.** Queda acordado y entendido, que si hubiere alguna demora en el nombramiento del juez y del arbitro que por parte de la Republica de Bolivia han de ser destinados á actuar en cada uno de los Tribunales Mixtos de Justicia que deben establecerse en conformidad con este Tratado, ó si dichos empleados, despues de su nombra-

either of such cases, the judge and arbitrator appointed on the part of Her Britannic Majesty, and present in the said Courts, shall, in the absence of the Bolivian judge and arbitrator, proceed to open the said Courts, and to adjudge such cases as may be brought before them under the Treaty: and the sentence pronounced upon such cases by the said British judge and arbitrator, shall have the same force and validity as if the judge and the arbitrator on the part of Bolivia had been appointed, and had been present and acting in the Mixed Courts, in the cases in question.

**ARTICLE II.** It is also agreed, notwithstanding the provisions of the First Article of the Annex B, that so long as no Bolivian judge and arbitrator is nominated, it will be unnecessary for the Republic of Bolivia to nominate the secretary or actuary, mentioned in the said Article; that in the meanwhile, the secretary or actuary of the Court which may exist within the territory of the Republic of Bolivia, shall be named and paid by the Government of Her Britannic Majesty; and that the entire expense of both the Courts to be established under this Treaty, shall be borne by the Government of Her Britannic Majesty.

**ARTICLE III.** If in the drawing up of this Treaty in the Spanish language, any involuntary error has been made in the translation, the English text is to be adhered to.

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The present Additional Articles shall form an integral part of the Treaty for the suppression of Slave Trade, signed this day, and shall have the same force and validity as if they were inserted, word for word, in that Treaty; and shall be ratified, and the ratifications shall be exchanged at the same time.

miento, se hallaren ausentes; en uno ó otro de estos casos, y en cualquier tiempo que esto suceda, el juez y el arbitro nombrados por parte de Su Majestad Britanica, y presentes en dichos Tribunales, procederán, en ausencia del juez y arbitro Bolivianos, á abrir dichos Tribunales, y á juzgar los casos que, de conformidad con el Tratado, se les presenten; y que la sentencia pronunciada en tales casos por los dichos juez y arbitro Britanicos, tendrán la misma fuerza y valor, que si el juez y el arbitro Bolivianos hubiesen sido nombrados, y se hallaren presentes y actuaren en los Tribunales Mixtos en los referidos casos.

**ARTICULO II.** Queda tambien acordado que, no obstante las estipulaciones del Articulo I del Adicional B, mientras no se nombraren el juez y el arbitro Bolivianos, no será necesario que la Republica de Bolivia nombre el secretario ó actuaria que en dicho Articulo se menciona; que entretanto el secretario ó actuaria del Tribunal que exista en el territorio de la Republica de Bolivia, será nombrado y pagado por el Gobierno de Su Majestad Britanica; y que todos los gastos de los dos Tribunales que se establezcan en virtud de este Tratado serán á cargo del Gobierno de Su Majestad Britanica.

**ARTICULO III.** Si al vertirse este Tratado al idioma Espanol, se incidiere en algun error involuntario en la traduccion, el texto Ingles deberá ser seguido.

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Los presentes Articulos Adicionales formarán parte integrante del Tratado para la abolicion del Trafico de Esclavos, firmado el dia de hoy, y tendrán la misma fuerza y valor que si se hallasen insertos en el, palabra por palabra; y serán ratificados al mismo tiempo.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Sucre, the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and forty.

(L.S.) BELFORD HINTON WILSON.  
(L.S.) JOSE MA. LINARES.

En testimonio de lo cual los respectivos Plenipotenciarios lo han firmado, y sellado con sus sellos.

Hecho en Sucre, el dia veinticinco de Setiembre, del año de nuestro Señor de mil ochocientos cuarenta.

(L.S.) JOSE MA. LINARES.  
(L.S.) BELFORD HINTON WILSON.

## 17. H A Y T I.

### SPECIAL ORDER.

*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS, by a Convention dated the 23rd December, 1839, the Republic of Hayti has acceded to the Conventions of the 30th November, 1831, and 22nd March, 1833, between Great Britain and France, for the Suppression of the Slave Trade; and it has been stipulated in the said Convention, that certain cruisers belonging to Great Britain and Hayti respectively, should be authorized, under Special Instructions therein mentioned, to visit and detain, within particular limits, merchant vessels of the other nations, engaged in the Traffic in Slaves, or suspected of being fitted out for that Traffic: and whereas we think fit that the vessel you command shall be one of the British cruisers furnished with the said Special Instructions,—

We herewith transmit to you a copy of the said Convention of the 23rd December, 1839, and you are accordingly authorized and empowered, *by virtue of this present Order, and of the accompanying Warrant from the Government of Hayti*, to visit merchant vessels under the Haytian flag, suspected of being engaged in the Traffic in Slaves, within the limits set forth in the 1st Article of the Convention of the 30th November, 1831, inserted in the Convention above referred to (with the conditional extension therein explained), and the limitations contained in the Fourth Article of the Convention of the 23rd December, 1839, and to deal with such as shall have engaged in a Traffic in Slaves, or shall be suspected of being fitted out for that Traffic, as pointed out in that Convention; and we charge and require you to conform most strictly to all the provisions and stipulations contained therein, taking care to exercise the authority so conferred upon you, in the mildest manner, and with every attention which is due between allied and

friendly nations, and to co-operate cordially with the commanders of any Haytian vessels of war employed in the same service.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To  
*Commander of Her Majesty's ship*  
By command of their Lordships,  
SIDNEY HERBERT.

*Convention between Her Majesty and the Republic of Hayti, containing the Accession of that Republic to two Conventions betweem Great Britain and France, for the more effectual Suppression of the Slave Trade. Signed at Port-au-Prince, December 23, 1839.*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland having, conformably to the IXth Article of the Convention concluded on the 30th of November, 1831, between Great Britain and France, for the suppression of the Slave Trade, invited the President of the Republic of Hayti to accede to the said Convention;

And the President of the Republic of Hayti, equally animated with the desire to concur in the same humane object, having cordially assented to this proposal;

The two High Powers, with the view of accomplishing this generous design, and of giving due authenticity, and all accustomed solemnity, to the Accession of the President of the Republic of Hayti, and to the acceptance thereof by Her Britannic Majesty, have resolved to conclude to this effect a formal Convention, and have in consequence named for their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, George William Conway Courtenay, Esquire, a Captain

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande ayant, en conformité de l'Article IX de la Convention conclue le 30 Novembre, 1831, entre la Grande Bretagne et la France, pour la répression de la Traite, invité le Président de la République d'Haïti à accéder à la dite Convention;

Et le Président de la République d'Haïti, également animé du désir de coopérer au même but d'humanité, s'étant empressé d'accueillir cette proposition;

Les deux Hautes Puissances, dans la vue d'accomplir ce dessein généreux, et pour donner à l'Accession du Président de la République d'Haïti, ainsi qu'à son Acceptation par Sa Majesté Britannique, l'authenticité convenable, et toute la solennité usitée, ont résolu de conclure à cet effet une Convention formelle, et ont en conséquence nommé pour leurs Plénipotentiaires, savoir:—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Sieur George William Conway Courtenay, Ecuyer,

in her Navy, and her Consul in Hayti;

And the President of the Republic of Hayti, the Senator Noel Viallet;

Who, after having reciprocally communicated to each other their full powers, found to be in good and due form, have agreed upon the following Articles:—

**ARTICLE I.** The President of the Republic of Hayti accedes to the Conventions concluded and signed on the 30th of November, 1831, and on the 22nd of March, 1833, between His late Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, relating to the suppression of the Slave Trade, as well as to the Annex of the latter Convention containing Instructions to Cruizers, excepting the reservations and modifications expressed in the Articles II, III, IV, and V, hereinafter given, which Articles shall be considered Additional to the said Conventions and to the Annex above mentioned; and excepting the differences which necessarily result from the situation of the President of the Republic of Hayti, as a party acceding to these Conventions after their conclusion.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland accepts the Accession of the President of the Republic of Hayti.

Therefore, all the Articles of the two Conventions aforesaid, and all the conditions of the said Annex, shall, excepting the reservations and modifications aforesaid, be held to have been concluded and signed, in the same manner as the present Convention, directly between Her Majesty the Queen of the United Kingdom of Great

Capitaine dans la Marine Royale, et son Consul en Haïti;

Et le Président de la République d'Haïti, le Sénateur Noël Viallet;

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:—

**ARTICLE I.** Le Président de la République d'Haïti accède aux Conventions conclues et signées le 30 Novembre, 1831, et le 22 Mars, 1833, entre feu Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, relativement à la répression de la Traite, ainsi qu'à l'Annexe de la seconde Convention contenant les Instructions pour les Croiseurs; sauf les réserves et modifications exprimées dans les Articles II, III, IV, et V ci-après, qui seront considérés comme Additionnels aux dites Conventions, et à l'Annexe sus-mentionnée; et sauf les différences qui résultent nécessairement de la situation du Président de la République d'Haïti, comme partie accédante aux Conventions en question après leur conclusion.

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande accepte l'Accession du Président de la République d'Haïti.

En conséquence, tous les Articles des deux Conventions susdites, et toutes les dispositions de l'Annexe susmentionnée, sauf les réserves et modifications dont il est ci-dessus parlé, seront censés avoir été conclus et signés, de même que la présente Convention, directement entre Sa Majesté la Reine du Royaume Uni de la

**Britain, and Ireland, and the President of the Republic of Hayti.**

The High Contracting Parties engage and promise reciprocally to each other, to execute faithfully all the clauses, conditions, and obligations of the present Convention, subject always to the reservations and modifications therein contained; and in order to prevent any uncertainty, it has been agreed that the above-mentioned Conventions, and the Annex of the latter, containing Instructions to Cruizers, shall be inserted here, word for word, as follows:—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex containing the Instructions to Cruizers, for which see France, page 302—318.]

**ARTICLE II.** It is agreed, with reference to the Vth Article of the Instructions annexed to the Supplementary Convention of the 22nd of March, 1833, that all vessels bearing the Haytian flag, and appearing by their papers to belong to Hayti, which shall be detained in execution of the Conventions above described, by the cruizers of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, shall be conducted or sent to Port-au-Prince, capital of the Republic of Hayti.

**ARTICLE III.** If the Republic of Hayti should not deem it expedient to fit out cruizers for the suppression of the Slave Trade, it nevertheless engages to furnish the special authority or warrant required by the Vth Article of the Convention of the 30th November, 1831, to the commanders of the British cruizers, as soon as the names and the number thereof shall have been notified to the Republic.

**ARTICLE IV.** Whereas the Islands of Cuba and Port Rico are

Grande Bretagne et d'Irlande, et le Président de la République d'Haïti.

Les Hautes Parties Contractantes s'engagent et promettent réciproquement d'exécuter fidèlement, sauf les réserves et modifications exprimées aux présentes, toutes les clauses, conditions, et obligations qui y sont stipulées; et pour éviter toute incertitude, il a été convenu que les susdites Conventions, ainsi que l'Annexe de la seconde Convention, contenant les Instructions pour les Croiseurs, seront insérées ici mot à mot, ainsi qu'il suit:—

**ARTICLE II.** Il est convenu, en ce qui concerne l'Article V des Instructions annexées à la Convention Supplémentaire du 22 Mars, 1833, que tous les navires portant le pavillon Haïtien, et paraissant par leurs papiers appartenir à Haïti, qui pourront être arrêtés, en exécution des Conventions ci-dessus transcrives, par les croiseurs de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, seront conduits ou envoyés au Port-au-Prince, capitale de la République d'Haïti.

**ARTICLE III.** Dans le cas où la situation de la République d'Haïti ne lui permettrait pas d'armer des croiseurs pour la répression de la Traite, elle s'engage néanmoins à fournir aux commandants des croiseurs Britanniques les autorisations requises par l'Article V de la Convention du 30 Novembre, 1831, aussitôt que les noms et le nombre de ces croiseurs lui auront été notifiés.

**ARTICLE IV.** Attendu que les Iles de Cuba et de Porto Rico ne

only separated from the Island of Hayti by a narrow streight each; and whereas the Republic of Hayti, as a free, sovereign, and independent State, possesses the exclusive right of police within its own waters; it is agreed that, by exception to Nos. 3 and 4 of Article I of the Convention of the 30th November, 1831, British cruisers shall not search Haytian vessels navigating within that half of one or the other streight contiguous to the coasts of Hayti.

**ARTICLE V.** It is also agreed:

1st. That Article II of the Convention of the 30th of November, 1831, Article I of the Convention of the 22nd of March, 1833, and No. 1 of the Instructions thereunto annexed, shall, as far as the commanders of Haytian cruisers are concerned, be understood in this sense, that the said commanders shall be of the ranks therein specified, or of corresponding ranks.

2nd. That by exception to Article V of the Convention of the 22nd March, 1833, that portion of the net produce of the sale of the captured vessels and of their cargoes, which falls to the share of the British cruisers, shall, conformably to the Haytian laws, be only fifty per cent. of the net produce of the sale; and it is further understood that no kind of head money will be due by the Haytian Government on captives found on board the said ships, and landed in the Republic.

3rd. That the last paragraph of Article XI of the Convention of the 22nd March, 1833, viz., "They "reserve to themselves, however, "for the welfare of the Slaves "themselves, the right to employ "them as servants or free la- "bourers, conformably to their "respective laws;" shall be held

soit chacune séparées de l'île d'Haïti que par un canal de peu d'étendue; et attendu que la République d'Haïti, comme Etat libre, souverain, et indépendant, a le droit exclusif de police dans ses eaux; il est convenu que, par exception aux Nos. 3 et 4 de l'Article I de la Convention du 30 Novembre, 1831, les croiseurs Britanniques ne pourront point visiter les bâtimens Haïtiens naviguant dans cette moitié de l'un et de l'autre canal qui baigne les côtes d'Haïti.

**ARTICLE V.** Il est aussi convenu:

1°. Que l'Article II de la Convention du 30 Novembre, 1831, l'Article I de la Convention du 22 Mars, 1833, et le No. 1 des Instructions y annexées, seront, en ce qui concerne les commandans des croiseurs Haïtiens, modifiés en ce sens, que les dits commandans auront, soit les grades y mentionnés, soit des grades correspondans.

2°. Que par exception à l'Article V de la Convention du 22 Mars, 1833, la portion du produit net de la vente des navires capturés et de leurs cargaisons, qui sera dévolue aux croiseurs Britanniques, ne sera, conformément à la législation Haïtienne, que de cinquante pour cent du produit net de la vente; et qu'il est bien compris qu'il ne leur sera dû par le Gouvernement Haïtien aucune espèce de prime, à raison des captifs trouvés dans les dits navires, et débarqués sur le sol de la République.

3°. Que la dernière disposition de l'Article XI de la Convention du 22 Mars, 1833, ainsi conçue: "Néanmoins ils se réservent, dans "l'intérêt même de ces Esclaves, "de les employer comme domes- "tiques ou comme ouvriers libres "conformément à leurs lois respec- "tives;" sera réputée nulle et non

well and void as regards the Haytian Government, inasmuch as the liberty they will enjoy in Hayti, will, conformably to the intention of the Constitution, be full, entire, and without restraint; and as, according to a law passed on the 19th of November last, the Republic has proclaimed that it will provide for their welfare.

**ARTICLE VI.** The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Port-au-Prince within the space of six months, or sooner if possible.

In witness whereof the above-named Plenipotentiaries have signed the present Convention, and have affixed thereto the seals of their arms.

Done at Port-au-Prince, the twenty-third of December, one thousand eight hundred and thirty-nine.

(L.S.) G. W. C. COURTEMAY.  
(L.S.) N. VIALLET.

avenue à l'égard du Gouvernement Haïtien, attendu que la liberté dont ils jouiront en Haïti, sera, conformément au vœu de la Constitution, pleine, entière, et sans aucune restriction; et que d'après une loi du 19 Novembre dernier, la République a proclamé qu'elle pourvoirait à leur bien-être.

**ARTICLE VI.** La présente Convention sera ratifiée, et les ratifications en seront échangées au Port-au-Prince, dans le délai de six mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires susdénommés ont signé la présente Convention, et y ont apposé leurs cachets.

Fait au Port-au-Prince, le vingt-trois Décembre, mil huit cent trente-neuf.

(L.S.) G. W. C. COURTEMAY.  
(L.S.) N. VIALLET.

## 18. TEXAS.

### SPECIAL ORDER.

*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS a Treaty between Great Britain and the Republic of Texas, was signed at London on the 16th of November, 1840, for the total extinction of the African Slave Trade, and the ratifications of same were exchanged on the 28th June, 1842: and whereas the High Contracting Parties mutually agreed thereby, that certain cruises belonging to the said countries respectively, should be authorized, under the Special Instructions thereto annexed, to visit and detain, within particular limits, merchant-vessels of the other Contracting

Parties engaged in the African Slave Trade, or suspected of being fitted out for that Traffic: and whereas a declaration referring thereto was signed on the 16th of February, 1844: and whereas we think fit that the vessel you command shall be one of the British cruisers furnished with the Special Instructions annexed to the said Treaty,—

We herewith transmit to you a copy of the said Treaty, and of the Instructions thereto annexed, and of the Declaration referring thereto; and you are accordingly authorised and empowered, by virtue of this present Order, and of the accompanying Warrant from the Government of Texas, to visit, within the limits set forth in the 2nd Article of the aforesaid Treaty, merchant-vessels under the Texian flags, suspected of being engaged in the African Slave Trade, and to deal with such vessels as shall have engaged in the said Traffic, or shall be suspected of being fitted out for that Traffic, in the manner pointed out in the said Treaty, Instructions, Warrant, and Declaration; and we charge and require you to conform most strictly to all the provisions and stipulations contained therein, taking care to exercise the authority so conferred upon you, in the mildest manner, and with every attention which is due between allied and friendly nations, and to co-operate cordially with the Commanders of any Texian vessels of war employed in the same service.

Given under our hands, this 12th day of June, 1844.

G. COOKBURN.  
W. H. GAGE.

To  
*Commander of Her Majesty's ship*

By command of their Lordships,  
**SIDNEY HERBERT.**

*Treaty between Her Majesty and the Republic of Texas, for the suppression of the African Slave Trade. Signed at London, November 16, 1840.*

*Ratifications exchanged at London, June 28, 1842.*

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, wishing to give fuller effect to the principles which form the basis of the Treaties which have been concluded between Great Britain and several other European Powers for the suppression of the African Slave Trade; and the Republic of Texas being likewise desirous of rendering effectual the fundamental Article in her Constitution, which declares the said trade piracy, have determined to negotiate and conclude a Treaty for the more effectual extinction of this traffic.

For this purpose Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Texas, have named as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry John Viscount Palmerston, Baron Temple, a Peer of Ireland, a Member of Her Britannic Majesty's Most Honourable Privy Council, a Member of Parliament, Knight Grand Cross of the Most Honourable Order of the Bath, and Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

And the Republic of Texas, General James Hamilton, &c. &c.;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

**ARTICLE I.** Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Texas, engage to prohibit African Slave Trade, either by their respective subjects or citizens, or under their respective flags; or by means of capital belonging to their respective subjects or citizens; and to declare such trade piracy. And the High Contracting Parties further declare, that any vessel attempting to carry on the Slave Trade, shall, by that act alone, lose all right to claim the protection of their flag.

**ARTICLE II.** In order more completely to accomplish the object of the present Treaty, the High Contracting Parties mutually consent, that those ships of their respective navies, which shall be provided with special warrants and orders, according to the form in Annex A to this Treaty, may visit such merchant-vessels of either of the High Contracting Parties as may, upon reasonable grounds, be suspected of being engaged in the aforesaid Traffic in Slaves, or of having been fitted out for that purpose; or of having, during the voyage on which they are met with by the said cruisers, been engaged in the aforesaid Traffic; and that such cruisers may detain, and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

But the above-mentioned right of searching merchant-vessels of either of the High Contracting Parties, shall be exercised only by ships of war, whose commanders shall have the rank of captain, or at least that of lieutenant, in the navy, unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank; and the commander of such ship of war shall be furnished with a warrant according to the form annexed to this Treaty, letter A; and the said right shall not be exercised within the Mediterranean Sea, nor within those seas in Europe which lie without the Straits of Gibraltar, and to the northward of the 37th parallel of north latitude, and within and to the eastward of the meridian of longitude, twenty degrees west of Greenwich; nor in the Gulf of Mexico, to the northward of the 25th parallel of north latitude; nor to the westward of the 90th degree of longitude, west of Greenwich.

**ARTICLE III.** Each of the High Contracting Parties reserves to itself the right to fix, according to its own convenience, the number of the ships of its navy which shall be employed on the service mentioned in the Second Article of this Treaty, and the stations on which such ships shall cruise.

The names of the ships so to be employed, and of their commanders, shall be communicated by each Contracting Party to the other; and information shall be reciprocally given by each to the other, when

cruizer is moved from or to a cruising station; in order that the necessary warrants for the cruisers may be delivered by the Government of either party, as the case may be; and may, when no longer wanted for use under this Treaty, be returned to the Government which issued them, by the Government which received them.

ARTICLE IV. Immediately after the Government which employs the cruisers shall have notified to the Government which is to authorize the visit, the number and names of the cruisers intended to be employed, the warrants authorizing the visit shall be made out according to the form annexed to this Treaty, letter A, and shall be delivered by the Government authorizing the visit, to the Government employing the cruiser.

In no case shall the right of mutual visit be exercised upon the ships of war of either nation.

The High Contracting Parties shall agree upon a particular signal, to be used by those cruisers exclusively, which are invested with the right of visit.

ARTICLE V. The cruisers of the High Contracting Parties authorized to exercise the right of visit and detention in execution of this Treaty, shall, in all that relates to the formalities of the visit and of the detention, as well as in regard to the measures to be taken for delivering up to the proper jurisdictions, vessels suspected of being engaged in the Slave Trade, conform strictly to the Instructions annexed to the present Treaty, letter B.

The High Contracting Parties reserve to themselves the power of making in these Instructions, by common consent, any alterations which circumstances may render necessary.

The cruisers of the High Contracting Parties shall afford to each other mutual assistance, on all occasions when it may be useful that they should act in concert.

ARTICLE VI. Whenever a merchant-vessel, navigating under the flag of either of the Contracting Parties, shall have been detained by a cruiser of the other, duly authorized to that effect, conformably to the provisions of this Treaty, such merchant-vessel, as also her master, her crew, her cargo, and the Slaves who may be on board of her, shall be carried to such place as shall have been appointed to that end by the Contracting Parties respectively; and they shall be delivered over to the authorities appointed for that purpose by the Government within whose territory such place shall be, to be proceeded against before the proper Tribunals, as hereinafter directed.

When the commander of the cruiser shall not think proper to take upon himself to carry in and deliver up the detained vessel, he shall not entrust that duty to any officer below the rank of lieutenant in the navy, unless it be to the officer who, at the time, shall not be lower than third in command of the detaining ship.

ARTICLE VII. If the commander of a cruiser of either of the Contracting Parties shall have reason to suspect that a merchant-vessel navigating under convoy of, or in company with, a ship of war of the other Contracting Party, has been engaged in the Slave Trade, or has been fitted out for the said Trade, he is to make known his suspicions to the commander of the ship of war, who shall proceed alone to visit the

suspected vessel; and if the last-mentioned commander shall find that the suspicion is well founded, he shall cause the vessel, together with her master, her crew, and the cargo, and the Slaves who may be on board of her, to be taken into a port of her own nation, to be proceeded against before the proper Tribunals, as hereinafter directed.

ARTICLE VIII. As soon as any merchant-vessel detained and sent in for adjudication, shall arrive at the port to which she is to be carried under the provisions of Annex B to this Treaty, the commander of the cruiser which shall have detained her, or the officer appointed to bring her in, shall deliver to the authorities appointed for that purpose, a copy, signed by himself, of all the lists, declarations, and other documents specified in the Instructions which are annexed to the present Treaty, letter B; and the said authorities shall, in consequence, proceed to a survey of the detained vessel and her cargo, and to an inspection of her crew, and of the Slaves who may be on board, after having previously given notice of the time of such survey and inspection, to the commander of the cruiser, or to the officer who shall have brought in the vessel, in order that he, or some person on his behalf, may be present thereat.

A declaration of these proceedings shall be drawn up in duplicate, signed by the persons who shall have acted therein, or who shall have been present at the same; and one of the said declarations shall be delivered to the commander of the cruiser, or to the officer who shall have been appointed to bring in the detained vessel.

ARTICLE IX. Any merchant-vessel of either of the High Contracting Parties, which shall be visited and detained in pursuance of the provisions of this Treaty, shall, unless proof be given to the contrary, be deemed to have been engaged in the African Slave Trade, or to have been fitted out for the purposes of such traffic, if any of the particulars hereinafter specified shall be found in her outfit or equipment, or to have been on board during the voyage in which the vessel was proceeding when captured, videlicet:—

*Firstly.* Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

*Secondly.* Divisions or bulkheads in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

*Thirdly.* Spare plank fitted for being laid down as a second or slave deck.

*Fourthly.* Shackles, bolts, or handcuffs.

*Fifthly.* A larger quantity of water in casks or in tanks than is requisite for the consumption of the crew of the vessel as a merchant vessel.

*Sixthly.* An extraordinary number of water-casks, or of other receptacles for holding liquid; unless the master shall produce a certificate from the custom-house at the place from which he cleared outward, stating that sufficient security had been given by the owners of each vessel, that such extra quantity of casks or of other receptacles, should only be used to hold palm oil, or for other purposes of lawful commerce.

*Seventhly.* A greater quantity of meat-tubs or kids than are requisite for the use of the crew of the vessel as a merchant-vessel.

*Eighthly.* A boiler, or other cooking apparatus, of an unusual size,

and larger, or fitted for being made larger, than requisite for the use of the crew of the vessel as a merchant-vessel; or more than one boiler, or other cooking apparatus, of the ordinary size.

*Ninthly.* An extraordinary quantity of rice, of the flour of Brazil manioc, or cassada, commonly called farina, of maize, or of Indian corn, or of any other article of food whatever, beyond what might probably be requisite for the use of the crew; such rice, flour, maize, Indian corn, or other article of food, not being entered in the manifest, as part of the cargo for trade.

*Tenthly.* A quantity of mats or matting, greater than is necessary for the use of the vessel as a merchant-vessel.

Any one or more of these several things, if proved to have been found on board, or to have been on board during the voyage on which the vessel was proceeding when captured, shall be considered as *prima facie* evidence of the actual employment of the vessel in the African Slave Trade, and the vessel shall thereupon be condemned and be declared lawful prize, unless clear and incontestable evidence on the part of the master or owners shall establish, to the satisfaction of the Court, that such vessel was, at the time of her detention or capture, employed in some legal pursuit; and that such of the several things above enumerated as were found on board her at the time of her detention, or which had been put on board her during the voyage on which she was proceeding when captured, were needed for legal purposes on that particular voyage.

**ARTICLE X.** A vessel detained as before mentioned, together with her master, crew, and cargo, shall be forthwith proceeded against before the proper Tribunals of the country to which she belongs, and shall be tried and adjudged by and according to the established forms and laws in force in that country; and if, in consequence of such proceedings, the said vessel shall be found to have been employed in the African Slave Trade, or to have been fitted out for the purposes thereof, the vessel and her equipments, and her cargo of merchandise, shall be confiscated; and the master, the crew, and the accomplices, shall be dealt with conformably to the laws by which they have been tried.

If the said vessel shall be confiscated, the proceeds arising from her sale shall, within six months from the date of such sale, be paid into the hands of the Government of the country to which the captor belongs, to be distributed according to law among the officers and crew of the capturing ship.

**ARTICLE XI.** If any of the things specified in Article IX of this Treaty shall be found on board, or to have been on board of any merchant vessel, during the voyage on which the vessel was proceeding when captured, no compensation for losses, damages, or expenses, consequent upon the detention of such vessel, shall in any case be granted, either to her master or to her owner, or to any other person interested in her equipment or lading, even though sentence of condemnation should not be pronounced against her, in consequence of her detention.

**ARTICLE XII.** In all cases in which a vessel shall, under this Treaty, be detained as having been engaged in the African Slave Trade, or as having been fitted out for the purposes thereof, and shall be ad-

judged and confiscated accordingly, the Government whose cruiser detained the vessel, or the Government by whose Tribunal the vessel may be condemned, may purchase the condemned vessel for the use of its navy, at a price to be fixed by a competent person, to be chosen for that purpose by the said Tribunal; the Government whose cruiser detained the condemned vessel having the first choice of purchasing her. But if the condemned vessel shall not be so purchased, the said vessel shall, immediately after the sentence of confiscation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

**ARTICLE XIII.** When a merchant-vessel, detained under this Treaty, shall, upon adjudication before the proper Tribunal, be held not to have been engaged in the African Slave Trade, and not to be fitted up for the purposes thereof, she shall be restored to her lawful owner or owners; and if in the course of adjudication it shall be proved that she has been visited and detained illegally, or without sufficient cause of suspicion; or if it shall be proved that the visit and detention have been attended with any abuse or with vexatious acts, the commander of the cruiser, or the officer who shall have boarded the said vessel, or the officer who shall have been appointed to bring her in, and under whom (as the case may be) the abuse or vexatious acts shall have been committed, shall be liable to costs and damages, to be paid to the master and to the owners of the vessel and cargo.

These costs and damages may be awarded by the Tribunal before which the proceedings against the detained vessel, her master, crew, and cargo, shall have been instituted; and the Government of the country to which the officer whose proceedings gave occasion for such award belongs, shall pay the amount of the said costs and damages, within the period of one year from the date of the award.

**ARTICLE XIV.** If in the visit or detention of a merchant-vessel under this Treaty, any abuse or vexation shall have been committed, and if the vessel shall not have been delivered over to the jurisdiction of her own nation, the master of the vessel shall make a declaration, on oath, of the abuses or vexations of which he has to complain, and of the costs and damages to which he lays claim; and this declaration shall be made by him before the competent authorities in the first port of his own country at which he may arrive, or before the consular agent of his own nation at a foreign port, if the vessel shall first proceed to a foreign port where there is such an agent.

This declaration shall be confirmed by an examination, upon oath, of the principal persons among the crew or passengers who have witnessed the visit or detention; and a formal statement of the whole shall be drawn up, and two copies thereof shall be delivered to the master, who shall forward one of them to his own Government, in support of his claims for costs and damages.

It is understood, that if any circumstances should unavoidably prevent the master from making this declaration, it may be made by the owner, or by any other person interested in the vessel and in her cargo.

On receiving officially a copy of the formal statement above mentioned, the Government of the country to which the officer so charged

with abuses and vexations shall belong, shall forthwith institute an inquiry into the matter; and if the complaint be proved to be valid, the said Government shall cause to be paid to the master or owner, or to any other person interested either in the vessel which has been molested, or in her cargo, the proper amount of costs and damages.

**ARTICLE XV.** The High Contracting Parties engage reciprocally to communicate each to the other, when asked to do so, and free of expense, copies of proceedings instituted and of judgments given, relative to vessels visited or detained in execution of the provisions of this Treaty.

**ARTICLE XVI.** The High Contracting Parties agree to ensure the immediate freedom of all Slaves who shall be found on board vessels detained and condemned in virtue of the stipulations of the present Treaty; and for this purpose it is agreed, that all Slaves found on board a Texian vessel detained in the West Indies, shall, if the vessel be condemned by the Texian Tribunals, be delivered over by the Texian to the British authorities, to be conveyed, at the expense of the British Government, to some one of the British Colonies in the West Indies; and in regard to Texian vessels detained on the coast of Brazil, or on the coast of Africa, it is further agreed that, in order that any Slaves found on board such vessels may not be exposed to the sufferings which would attend a voyage to Texas, such Slaves shall, notwithstanding anything to the contrary in Articles VI and VII of this Treaty, be carried or sent at once, by the commander of the capturing cruiser, to one of the British settlements on the coast of Africa,—the vessel herself being sent on to Galveston for adjudication.

**ARTICLE XVII.** The Acts or Instruments annexed to this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:—

A. Forms of Warrants to authorize, and of Orders to guide, the cruisers of either nation, in making visits and detentions under this Treaty.

B. Instructions for the cruisers of the respective navies, employed under this Treaty to prevent the African Slave Trade.

**ARTICLE XVIII.** The present Treaty, consisting of eighteen Articles, shall be ratified, and the ratifications thereof shall be exchanged in London in nine months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the sixteenth day of November, in the year of our Lord one thousand eight hundred and forty.

(L.S.) PALMERSTON.

(L.S.) J. HAMILTON.

*Annex A to the Treaty between Great Britain and the Republic of Texas, for the suppression of African Slave Trade, signed at London, November 16, 1840.*

*Form I.*

WARRANT, in virtue of which a cruiser of either of the High Contracting Parties may visit and detain a merchant-vessel belonging to, or bearing the flag of, the other, and suspected of African Slave Trade, or of being fitted out for it.

Whereas, by a Treaty between Great Britain and the Republic of Texas, signed at London on the 16th of November, 1840, for the total extinction of the African Slave Trade, it was stipulated that certain cruisers belonging to the said countries respectively, should be authorized, under the special Instructions thereto annexed, to visit and detain, within particular limits, merchant-vessels of the other Contracting Party, engaged in the African Slave Trade, or suspected of being fitted out for that traffic; and whereas the Government of has thought fit that the vessel you command shall be one of the cruisers furnished with the said special Instructions, and you will accordingly receive Instructions from the said Government for your guidance on the said service: you are therefore authorized and empowered, by virtue of those Instructions, and of this present Warrant, to visit merchant-vessels under the flag, suspected of being engaged in the African Slave Trade, within the limits set forth in the 2nd Article of the aforesaid Treaty, and to deal with such vessels as shall have engaged in the African Slave Trade, or shall be suspected of being fitted out for that traffic, as pointed out in the said Treaty, and in the Instructions thereunto annexed.

Given under our hands, and the seal of the Office of Admiralty,  
the day of 18.

[Signature.]

To the Commander of the \_\_\_\_\_ ship  
the "\_\_\_\_\_."

*Form II.*

ORDER for the guidance of the commander of the cruiser of either of the High Contracting Parties, in visiting and detaining a merchant vessel belonging to, or bearing the flag of, the other.

Whereas, by a Treaty between Great Britain and the Republic of Texas, signed at London on the 16th of November, 1840, for the total extinction of the African Slave Trade, it was stipulated that certain cruisers belonging to the said countries respectively, should be authorized, under the special Instructions thereto annexed, to visit and detain, within particular limits, merchant-vessels of the other Contracting Party engaged in the African Slave Trade, or suspected of being fitted out for that traffic; and whereas we think fit that the vessel you command shall be one of the cruisers furnished with the said special

Instructions, we herewith transmit to you a copy of the said Treaty, and of the Instructions thereto annexed; and you are accordingly authorized and empowered, by virtue of this present Order, and of the accompanying Warrant from the Government of , to visit, within the limits set forth in the 2nd Article of the aforesaid Treaty, merchant-vessels under the flag, suspected of being engaged in the African Slave Trade, and to deal with such vessels as shall have engaged in the said traffic, or shall be suspected of being fitted out for that traffic, in the manner pointed out in the said Treaty, Instructions, and Warrant; and we charge and require you to conform most strictly to all the provisions and stipulations contained therein, taking care to exercise the authority so conferred upon you in the mildest manner, and with every attention which is due between allied and friendly nations, and to co-operate cordially with the commanders of any vessels of war employed in the same service.

Given under our hands, the day of 18 .  
[Signature.]

To the Commander of the ship  
the "\_\_\_\_\_".

These Forms of Warrants and Orders shall be annexed to the Treaty signed this day between Great Britain and the Republic of Texas, for the suppression of African Slave Trade, and shall be considered as an integral part of that Treaty.

In witness whereof the respective Plenipotentiaries have signed the present Annex, and have affixed thereto the seals of their arms.

Done at London, the sixteenth day of November, in the year of our Lord one thousand eight hundred and forty.

(L.S.) PALMERSTON. (L.S.) J. HAMILTON.

*Annex B to the Treaty between Great Britain and the Republic of Texas, for the suppression of African Slave Trade, signed at London, November 16, 1840.*

#### Instructions to Cruizers.

*First.* Whenever a merchant-vessel belonging to, or bearing the flag of either of the High Contracting Parties to the Treaty of this date, shall be visited by a cruiser of the other, the officer commanding the cruiser shall, before he proceeds to the visit, exhibit to the master of such vessel the Special Orders which confer upon him, by exception, the right to visit her; and he shall deliver to such master a certificate, signed by himself, specifying his rank in the navy of his country, with the name of the ship which he commands; and declaring that the only object of his visit is to ascertain whether the vessel is engaged in the African Slave Trade, or is fitted out for the purpose of such traffic, or has been engaged in the said traffic during the voyage in which she is met with by the said cruiser. When the visit is made by an officer of the cruiser other than her commander, such officer shall not be under

the rank of lieutenant in the navy, unless he be the officer who at the time is second in command of the ship by which the visit is made; and in these cases such officer shall exhibit to the master of the merchant vessel, a copy of the Special Orders above mentioned, signed by the commander of the cruiser; and shall likewise deliver to such master a certificate, signed by himself, specifying the rank which he holds in the navy of his country, the name of the commander under whose orders he is acting, the name of the cruiser to which he belongs, and the object of his visit as hereinbefore recited.

If it shall be ascertained by the visit that the ship's papers are regular, and her proceedings lawful, the officer shall certify upon the log-book of the vessel, that the visit took place in virtue of the Special Orders above mentioned; and these formalities having been completed, the vessel shall be permitted to continue her course.

*Secondly.* If in consequence of the visit, the officer commanding the cruiser shall be of opinion that there are sufficient grounds for believing that the vessel is engaged in the African Slave Trade, or has been fitted out for that traffic, or has been engaged in that traffic during the voyage in which she is met with by the cruiser; and if he shall in consequence determine to detain her, and to have her delivered up for adjudication, he shall forthwith cause a list to be made out, in duplicate, of all the papers found on board, and he shall sign this list, and the duplicate, adding, after his own name, his rank in the navy, and the name of the vessel under his command.

He shall, in like manner, make out and sign, in duplicate, a declaration stating the place and time of the detention, the name of the vessel and that of her master, the names of the persons composing her crew, and the number and condition of the Slaves found on board.

This declaration shall further contain an exact description of the state of the vessel, and of her cargo.

*Thirdly.* The commander of the cruiser shall without delay carry or send the detained vessel, with her master, crew, passengers, cargo, and the Slaves found on board, to one of the ports or places hereinafter specified, in order that proceedings may be instituted in regard to them, conformably to the laws of the country under whose flag the vessel is sailing; and he shall deliver the same to the competent authorities, or to the persons who shall have been specially appointed for that purpose by the Government within whose territory such port or place shall be.

*Fourthly.* No person whatever shall be taken out of the detained vessel; nor shall any part of her cargo, nor any of the Slaves found on board, be removed from her, until after such vessel shall have been delivered over to the authorities of her own nation; excepting in the cases otherwise provided for in the Treaty to which these Instructions form an Annex, or in the present Instructions; or unless the removal of the whole or of part of the crew or of the Slaves found on board, shall be deemed necessary, either for the preservation of their lives or from any other consideration of humanity, or for the safety of the persons who shall be charged with the navigation of the vessel after her detention. In any such case, the commander of the cruiser, or the officer appointed to bring in the detained vessel, shall make a declaration of such removal, in which he shall specify the reasons for the

same; and, except as otherwise provided for with respect to Slaves, in the said Treaty, or in these Instructions, the masters, sailors, passengers, or Slaves, so removed, shall be carried to the same port or place as the vessel and her cargo, and they shall be received in the same manner as the vessel, agreeably to the regulations hereinafter set forth.

*Fifthly.* All Texian vessels which shall be detained by the cruizers of Great Britain, in consequence of being engaged in the African Slave Trade, shall be carried and delivered up to the Texian jurisdiction at Galveston. But any Slaves found on board of Texian vessels detained on the coast of Brazil or on the coast of Africa, whether by a British or by a Texian cruizer, under the Treaty to which these Instructions form an Annex, shall at once be carried or sent by the commander of the capturing cruizer, to one of the British settlements on the coast of Africa. And any Slaves found on board of Texian vessels detained in the West Indies, whether by a British or a Texian cruizer, under the Treaty to which these Instructions form an Annex, shall, together with the vessels so detained, be carried and delivered up to the Texian authorities at Galveston, to be disposed of after adjudication, according to the provisions of the said Treaty.

All British vessels which shall be detained by the cruizers of Texas, in consequence of being engaged in the African Slave Trade, shall, together with the Slaves found on board, be carried and delivered up to the British jurisdiction at Bathurst, on the River Gambia, if taken off the coast of Africa; or at Port Royal in Jamaica, if taken in the West Indies.

*Sixthly.* As soon as a merchant-vessel which shall have been detained as aforesaid, shall arrive at one of the ports or places above mentioned, the commander of the cruizer, or the officer appointed to bring in such detained vessel, shall forthwith deliver to the authorities duly appointed for that purpose by the Government within whose territory such place shall be, the vessel and her cargo, together with the master, crew, and passengers, and the Slaves found on board, unless such Slaves shall have been carried or sent to another port or place, as hereinbefore directed; and also the papers which shall have been seized on board the vessel, and one of the duplicate lists of the said papers, retaining the other in his own possession. Such officer shall at the same time deliver to the said authorities one of the declarations made out in duplicate, as hereinbefore specified, adding thereto a statement of any changes which may have taken place from the time of the detention of the vessel to that of the delivery, as well as a copy of the statement of any removals which may have taken place, as above provided for.

In delivering over these several documents, the officer shall make, in writing and on oath, an attestation of their truth.

*Seventhly.* If the commander of a cruizer of either of the High Contracting Parties, who shall be duly furnished with the aforesaid Special Instructions, shall have reason to suspect that a merchant-vessel, sailing under convoy of, or in company with, a ship of war of the other party, is engaged in the African Slave Trade, or has been fitted out for the purpose of that traffic, or has been engaged in the said traffic during the voyage in which she is met with by the said cruizer, he shall confine himself to communicating his suspicions to the command-

der of the ship of war ; and he shall leave it to the latter to proceed alone to visit the suspected vessel, and to deliver her up to the jurisdiction of her own country, if there should be cause for doing so.

These Instructions shall be annexed to the Treaty signed this day between Great Britain and the Republic of Texas, for the suppression of African Slave Trade, and shall be considered as an integral part of that Treaty.

In witness whereof the respective Plenipotentiaries have signed the present Annex, and have affixed thereto the seals of their arms.

Done at London, the sixteenth day of November, in the year of our Lord one thousand eight hundred and forty.

(L.S.) PALMERSTON.

(L.S.) J. HAMILTON.

### *Declaration.*

WHEREAS, by the Sixteenth Article of the Treaty concluded at London on the 16th November, 1840, between Her Majesty and the Republic of Texas, for the suppression of the African Slave Trade, it is stipulated, that Slaves found on board Texian vessels detained on the coast of Brazil shall be carried or sent at once by the commander of the capturing cruiser to one of the British settlements on the coast of Africa : and whereas it has been considered expedient by the Government of Her Britannic Majesty, that British cruisers should be enabled to carry or send to Trinidad or Demerara Slaves so captured, instead of carrying or sending them back to the coast of Africa as aforesaid : and whereas there exists on the part of the Republic of Texas no objection to Slaves so captured being so disposed of, we, the Undersigned, Her Britannic Majesty's Chargé d'Affaires in Texas, and the Secretary of State of the Republic of Texas, being duly authorized by our respective Governments, hereby agree and declare that, notwithstanding the above-cited stipulation of the Sixteenth Article of the Treaty above mentioned, the commanders of British cruisers duly authorized under that Treaty, may carry or send to Trinidad or Demerara Slaves found on board Texian vessels, captured on the coast of Brazil.

In witness whereof we have signed this Declaration, and have hereunto affixed the seals of our arms.

Done at Washington, the 16th day of February, A.D. One thousand eight hundred and forty-four.

(L.S.) CHARLES ELLIOT.  
(L.S.) ANSON JONES.

## 19. MEXICO.

## SPECIAL ORDER.

*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS a Treaty between Great Britain and the Mexico for the Suppression of the Traffic in Slaves, was signed at Mexico on the 24th of February, 1841; and Instructions for Cruizers marked A, and Regulations for the Courts of Justice, marked B, were annexed thereto, and declared to form an integral part thereof; and the Ratifications of the same were exchanged at London on the 28th of July, 1842: and whereas the High Contracting Parties mutually agreed thereby, that ships of war of both countries, respectively furnished with the Instructions contained in Annex A to the Treaty, might search and send in for trial, vessels suspected of the illegal Traffic in Slaves: and whereas we think fit that Her Majesty's ship under your command should be one of those authorized to act under the Treaty,—

We furnish you with a copy of the said Treaty and of its Annexes, marked A and B; and you are hereby expressly authorized, empowered, and ordered, to act in the suppression of the Traffic in Slaves according to the said Treaty.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To  
*Commander of Her Majesty's ship*  
By command of their Lordships,  
SIDNEY HERBERT.

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*Treaty between Her Majesty and the Mexican Republic, for the abolition of the Traffic in Slaves. Signed at Mexico, February 24, 1841.*

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*Ratifications exchanged at London, July 29, 1842.*

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*In the Name of the Most Holy En el Nombre de la Santissima Trinity.*

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Mexican Republic, being animated by a sincere

ESTAMOS animados su Excelencia el Presidente de la Republica Mexicana, y Su Majestad la Reyna del Reyno Unido de la Gran Bretaña e Irlanda, del sincero deseo de

desire to co-operate for the total extinction of the barbarous Traffic in Slaves, have resolved to conclude a Treaty for the special purpose of immediately attaining this object, and have named, respectively, as their Plenipotentiaries, to wit:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Richard Pakenham, Esquire, her Minister Plenipotentiary to the Mexican Government; and his Excellency the President of the Mexican Republic, his Excellency Don Luis Gonzaga Cuevas, Envoy Extraordinary and Minister Plenipotentiary from that Republic at the Court of London;

Who, after having communicated to each other their respective full powers, and found them to be in good and proper form, have agreed upon and concluded the following Articles:—

**ARTICLE I.** The Slave Trade is declared by this Treaty to be totally and perpetually abolished in all parts of the world, on the part of the Mexican Republic, as are already Slavery in the Mexican Territory, and the aforesaid Traffic in Slaves on the part of Great Britain.

**ARTICLE II.** The Government of Mexico engages to take, immediately after the exchange of the ratifications of the present Treaty, and, subsequently, from time to time, when it may be necessary, the most effectual measures to prevent the citizens of the Mexican Republic from being concerned in the Slave Trade, and the Flag of the said Republic from being employed in any way in carrying on that Traffic; and binds itself specially to procure from the National Congress, as soon as possible, a penal law, by which the severest punishment shall be imposed on all citizens of the Repub-

cooperar á la extincion total del Trafico barbero de Esclavos, han resuelto concluir un Tratado con el fin especial de conseguir inmediatamente este objeto, y han nombrado, respectivamente, por sus Plenipotenciarios, á saber:—

Su Excelencia el Presidente de la Republica Mexicana, al Excelentissimo Señor Don Luis Gonzaga Cuevas, su Enviado Extraordinario y Ministro Plenipotenciario en la Corte de Londres; y Su Majestad la Reyna del Reyno Unido de la Gran Bretaña é Irlanda al Señor Don Ricardo Pakenham, Escudero, su Ministro Plenipotenciario cerca del Gobierno Mexicano;

Quienes, despues de haberse comunicado sus respectivos plenos poderes, y hallandolos en buena y debida forma, han acordado y concluido los Articulos siguientes:—

**ARTICULO I.** El Comercio de Esclavos se declara por este Tratado total y perpetuamente abolido en todo el mundo por parte de la Republica Mexicana, como lo está ya la Esclavitud en el Territorio Mexicana, y el mencionado Trafico de Esclavos por parte de la Gran Bretaña.

**ARTICULO II.** El Gobierno Mexicano se compromete á tomar, inmediatamente despues del cange de las ratificaciones del presente Tratado, y en lo sucesivo, de tiempo en tiempo, cuando fuere necesario, las medidas mas efficaces para impedir que los ciudadanos de la Republica Mexicana se mezclen en el Comercio de Esclavos, y que se emplee de modo alguno la Bandera de la misma republica en llevarlo á efecto; y se obliga especialmente á recabar del Congreso Nacional, cuanto antes fuere posible, una ley penal en que se imponga el mas severo castigo á todos los ciudadanos de la Republica que

lic, who shall, under whatsoever pretext, take any part in the aforesaid Traffic in Slaves.

**ARTICLE III.** The Mexican Government engages to propose in the National Congress a law, which shall declare to be Pirates all such citizens of the Republic as may be engaged in the Slave Trade, as well as all such individuals as may carry it on under the National Flag. And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Republic, mutually bind themselves to promulgate or propose in their respective Legislatures, the most suitable measures for immediately carrying into execution the laws of piracy which are to be applicable to the said Traffic, in conformity with the legislative enactments of each of the two countries, with respect to the vessels and subjects or citizens of the two nations.

**ARTICLE IV.** In order to prevent completely all infringement of the spirit of the present Treaty, the two High Contracting Parties mutually consent that the ships of their respective navies, which shall be provided, as hereinafter mentioned, with special Instructions for the purpose, may search such merchant-vessels of the two nations as may be suspected, on reasonable grounds, of being engaged in the Traffic in Slaves, or of having been fitted out for the purpose thereof, or of having, during the voyage in which they may be met with by the said cruisers, been engaged in the Traffic in Slaves, in contravention of the stipulations of the present Treaty; and the two Contracting Parties also agree that the said cruisers may detain such vessels, and send or convey

tomaren, bajo cualquier pretexto, alguna parte en el expresado Trafico de Esclavos.

**ARTICULO III.** El Gobierno Mexicano se compromete á iniciar al Congreso Nacional una ley, que declare Piratas á todos los ciudadanos de la Republica que se empleen en el Trafico de Esclavos, y á cuantos individuos lo hagan bajo su Pavillon. Y su Excelencia el Presidente de la Republica, y Su Majestad la Reyna del Reyno Unido de la Gran Bretaña e Irlanda, se obligan mutuamente á dictar ó á iniciar á sus respectivas Legislaturas, las medidas mas oportunas para que las leyes de piratería que han de aplicarse á dicho Trafico, conforme á la legislacion de cada uno de ambos países, se pongan inmediatamente en práctica, respecto de los buques y ciudadanos ó subditos de una y otra nacion.

**ARTICULO IV.** Para impedir completamente toda infraccion del espíritu del presente Tratado, las dos Altas Partes Contratantes consienten mutuamente en que los buques de sus armadas respectivas, á los que se proveerá, segun mas adelante se menciona, con Instructions especiales al efecto, puedan registrar aquellos buques mercantes de ambas naciones, de los cuales se sospeche por motivos fundados, que se ocupan en el Trafico de Esclavos, ó que han sido equipados con dicho intento, ó que durante el viage en el que se encuentren con los mencionados cruceros, se han empleado en el Trafico de Esclavos, contraviniendo á lo que en el presente Tratado se estipula; y convienen tambien ambas Partes Contratantes en que los referidos cruceros puedan detener á dichos buques, y enviarlos, ó conducirlos, para ser juzgados

them to be tried in the manner hereinafter provided.

With a view to avoid even the possibility of annoyance to the coasting trade of Mexico from the exercise of the mutual right of search stipulated in the present Article, the High Contracting Parties agree that the said right shall not be enforced within a line drawn from the mouth of the Rio Bravo del Norte, in twenty-five degrees fifty-five minutes of north latitude, and ninety-seven degrees twenty-five minutes of longitude west from Greenwich, to the port of Sisal, in the Peninsula of Yucatan, in twenty-one degrees six minutes of north latitude, and ninety degrees four minutes of longitude west from Greenwich; it being always understood that if a vessel, suspected of being engaged in the Slave Trade, shall be discovered without the said line by a British or Mexican cruiser, and shall succeed in passing within that line, it shall not on that account be considered as protected by the present restriction; which is solely adopted for the greater security of the coasting trade of Mexico.

Nor shall the reciprocal right of search be exercised in the Mediterranean Sea, nor in the seas of Europe lying without the Straits of Gibraltar, and to the north of the thirty-seventh parallel of north latitude, and to the eastward of the meridian of twenty degrees of Greenwich.

ARTICULO V. In order to regulate the mode of carrying into execution the provisions of the preceding Article, it is agreed,—

First: That their respective Governments shall provide the ships of the navies of the two nations to be employed in future in the prevention of the Slave Trade, with copies, in the English and

del modo que mas abajo se dispone.

Con el fin de evitar hasta la posibilidad de molestar al comercio de la costa de Mexico con el ejercicio del mutuo derecho de visita estipulado en el presente Articulo, las Altas Partes Contratantes convienen en que el expuesto derecho no se hará efectivo dentro de una linea tirada desde la boca del Rio Bravo del Norte, en el grado de latitud septentrional veinte y cinco, cincuenta y cinco, y de longitud noventa y siete, veinte y cinco, al occidente de Greenwich, hasta el puerto de Sisal en la Peninsula de Yucatan, en el grado de latitud septentrional veinte y uno, seis, y de longitud noventa, cuatro, tambien al occidente de Greenwich: debiendo siempre entenderse que si algun buque del cual se sospeche que se ocupa en el Trafico de Esclavos, se descubre fuera de dicha linea por un crucero Mexicano ó Britanico, y logra introducirse en ella, no por eso se considerará protegido por la presente restriccion, que solo se ha adoptado para la mayor seguridad del comercio de la costa de Mexico.

Tampoco se ejercerá el mutuo derecho de visitarán el Mar Mediterraneo, ni en los mares de Europa situados fuera del Estrecho de Gibraltar, y hacia el norte del paralelo treinta y siete de la latitud septentrional, y á la parte oriental del meridiano situado á veinte grados este de Greenwich.

ARTICULO V. Para arreglar el modo de poner en ejecucion las disposiciones del Articulo precedente, queda convenido,—

Primero: Que los respectivos Gobiernos provean á los buques de las armadas de ambas naciones que se empleen en lo de adelante con impedir el Trafico de Esclavos, de una copia, en los idiomas que

Spanish languages, of the present Treaty: of the Instructions for  
cruisers annexed thereto, sub literá  
A ; and of the Regulations for the  
Tribunals which shall have to try  
the vessels detained by virtue of  
the stipulations contained in this  
Treaty, which are also annexed,  
sub literá B ; which Annexes, re-  
spectively, shall be considered as  
integral parts of the said Treaty.

Secondly: That each of the  
High Contracting Parties shall  
from time to time communicate to  
the other the names of the several  
ships destined for this service,  
and furnished with such instruc-  
tions, the force of each, and the  
names of their commanders.

Thirdly: That when the com-  
mander of a cruiser of either of the  
two nations shall suspect that any  
one or more vessel or vessels navi-  
gating under the escort or convoy  
of a ship of war of the other  
nation, carries Slaves on board,  
or has been engaged in this pro-  
hibited Traffic, or is fitted out for it,  
he shall communicate his suspicions  
to the commanding officer of the  
convoy, who, accompanied by the  
commanding officer of the cruiser,  
shall proceed to the search of the  
suspected vessel; and in case that  
the suspicions appear well-founded,  
according to the tenor of this  
Treaty, then the said vessel shall  
be conducted or sent to the place  
where it is to be brought to trial,  
in order that the just sentence  
may there be pronounced.

Fourthly: It is further agreed  
that the commanders of the ships  
of the two navies, who shall be  
employed on this service, shall  
adhere, in each case, to the exact  
tenor of the said Instructions.

ARTICULO VI. As the two pre-  
ceding Articles are entirely reci-  
procal, the High Contracting Par-  
ties engage to make good any

tallano é Ingles, del presente Tra-  
tado; de las Instrucciones anexas á  
el para los cruceros, bajo la letra  
A ; y del Reglamento para los Tri-  
bunales que han de juzgar á los  
buques detenidos en virtud de las  
estipulaciones contenidas en este  
Tratado, que tambien es anexo  
bajo la letra B ; cuyas Piezas se-  
rán consideradas, respectivamente,  
como partes integrantes del mismo  
Tratado.

Segundo: Que cada una de las  
Altas Partes Contratantes comuni-  
caran de tiempo en tiempo á la  
otra, los nombres de los diferentes  
buques que destine á este servicio,  
provistos de tales Instrucciones,  
fuerza de que consten, y nombre  
de sus comandantes.

Tercero: Que cuando el coman-  
dante de un crucero de cualquiera  
de las dos naciones tenga sospecha  
de que alguno ó algunos de los  
buques que naveguen bajo la escolta  
ó convoy de un buque de guerra  
de la otra nacion, lleva Esclavos  
á bordo, ó se ha ocupado de este  
Traffic prohibido, ó está equipado  
para él, comunicará sus sospechas  
al comandante del convoy, quien,  
acompañado de él del crucero, pro-  
cederá al registro del buque sos-  
pechoso; y en caso de que aparen-  
can fundados los motivos de sos-  
pecha, con arreglo al tenor de este  
Tratado, dicho buque será condenado  
ó enviado al punto donde ha  
de someterse á juicio, para que  
allí reciba el competente fallo.

Cuarto: Se conviene ademas en  
que los comandantes de los buques  
de las dos armadas que se emplean  
en este servicio, se sujetarán, en  
su caso, al exacto tenor de las  
Instrucciones mencionadas.

ARTICULO VI. Como los dos  
Articulos precedentes son en am-  
boto reciprocos, las Altas Partes  
Contratantes se comprometen á

losses incurred by their respective subjects or citizens by the arbitrary and illegal detention of their vessels; it being understood that this compensation shall be paid invariably by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention; and they also engage that the visit and detention of vessels specified in the IVth Article of this Treaty shall only be effected by such English or Mexican ships as may form part of the royal and national navies of the High Contracting Parties, and which are provided with the documents mentioned in the preceding Article.

**ARTICLE VII.** It is agreed by the present Article, that the vessels detained, in conformity with the Fourth Article of this Treaty, by British or Mexican cruisers, shall be conducted or sent, together with their commanders, crews, and cargoes, to the nearest point in the country to which the captured vessel belongs, where there may be a competent Tribunal to try it: that is to say, British vessels are to be conducted or sent to the nearest possession of Her Britannic Majesty where such Tribunal exists; and Mexican vessels to the port of Vera Cruz; except in cases in which Slaves shall be on board at the time of capture. In such cases, the vessel shall be sent or conducted to the nearest possession of either of the two Powers, or to such place belonging to either as may be soonest reached according to the judgment of the commander of the capturing ship, under his own responsibility, in order that the Slaves may be landed: the vessel, with the remainder of her cargo, her commander, and crew, shall be afterwards sent or conducted to the place where she is to be tried, in conformity with the

hacer buenas cualesquiera perdidas que sufran sus respectivos ciudadanos ó subditos por la detención arbitraria é ilícita de sus buques, quedando entendido que esta indemnización la satisfará invariably el Gobierno cuyo crucero haya sido culpable de tal detención arbitraria ó ilícita; y se comprometen también á que solo se verificará la visita y detención de buques especificados en el Artículo IV de este Tratado por aquellos buques Mexicanos ó Ingleses que formen parte de las armadas nacional ó real de las Altas Partes Contratantes, y que estén provistos de los documentos mencionados en el Artículo anterior.

**ARTICULO VII.** Se conviene por el presente, en que los buques detenidos, conforme al tenor del Artículo Cuarto de este Tratado, por cruceros Mexicanos ó Británicos, se conducirán ó enviarán, con sus comandantes, tripulaciones, y cargamentos, al punto mas inmediato del país á que pertenezca el buque aprehendido, donde haya Tribunal competente que deba juzgarlo: es decir, los buques Británicos á la posesión mas inmediata de Su Majestad Británica en que exista el expresado Tribunal; y los buques Mexicanos al puerto de Vera Cruz; excepto en los casos en que se encuentren Esclavos al borde al tiempo de la captura. En tales casos se mandará ó conducirá el buque á la posesión mas inmediata de cualquiera de las dos Potencias, ó al punto de estas que pueda llegarse mas pronto; segun lo creyere bajo su propia responsabilidad el comandante del buque aprehensor, para que los Esclavos sean desembarcados: el buque, con lo restante de su equipamiento, su comandante, y tripulación, se mandará despues, ó se conducirá, al punto en que deba juzgarse, conforme á las disposi-

before-mentioned provisions of this Article.

The Governments of the High Contracting Parties shall have the power to name by themselves, or through the medium of their Legations or Consulates, an advocate, who may be a subject or citizen of either of the two nations, to undertake the prosecution or defence, as the case may be, of the vessels brought to trial; and solemnly pledge themselves to afford to such advocates all necessary liberty and protection, and such as is allowed by law to the advocates of the country.

For the more speedy conclusion of these trials, the High Contracting Parties engage to procure the enactment of laws which shall abridge as much as possible the forms of indictment and sentence.

**ARTICLE VIII.** When the commanding officer of any of the ships of the navies of Her Britannic Majesty, or of the Republic of Mexico, commissioned respectively in due form, according to the provisions of the IVth Article of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed thereto, the Government which shall conceive itself wronged, shall be entitled to demand reparation: and in such case the Government in whose service the said commanding officer may be, binds itself to cause an enquiry to be made into the subject of complaint, and to inflict on such officer a punishment proportioned to the offence.

**ARTICLE IX.** It is further agreed that every merchant-vessel, British or Mexican, which shall be visited by virtue of the present Treaty, may be detained, and sent or brought before the proper Tribunals, if there shall be found in

aciones anteriores de este Artículo.

Los Gobiernos de las Altas Partes Contratantes tendrán la facultad de nombrar, por sí ó por medio de sus Legaciones ó Consules, un abogado, ciudadano ó subdito de cualquiera de las dos naciones, que sostenga la acusación ó defensa, en su caso, de los buques que se sometan á juicio; y se comprometen solemnemente á dispensar á estos abogados todo la franquicia y protección necesaria, y que se concede por las leyes á los abogados del país.

Para la mas pronta conclusión de estos juicios, se comprometen las Altas Partes Contratantes á promover que se espidan leyes que abrevien en lo posible los términos de substanciación y sentencia.

**ARTICULO VIII.** Cuando el oficial comandante de alguno de los buques de las armadas de la Republica Mexicana, ó de Su Majestad Britanica, comisionado respectivamente y en debida forma segun las disposiciones del Artículo IV de este Tratado, se desvie de algun modo de las estipulaciones del mismo Tratado, ó de las Instrucciones anexas á él, el Gobierno que se crea agraviado tendrá derecho á pedir una reparacion; y en tal caso, el Gobierno á cuyo servicio esté el expresado oficial comandante, se obliga á mandar hacer una investigacion sobre el motivo de queja, y á aplicar al dicho oficial un castigo proporcionado á la ofensa.

**ARTICULO IX.** Queda ademas convenido que todo buque mercante Mexicano ó Ingles, que sea visitado en virtud del presente Tratado, puede ser detenido y enviado ó llevado ante los Tribunales respectivos, si se encontrare

Her equipment any of the following things :—

First : Hatches with open gratings, instead of the close hatches which are used in merchant-vessels.

Secondly : Divisions or bulk-heads in the hold or on deck, in greater number than are necessary for a vessel engaged in a lawful trade.

Thirdly : Spare plank prepared to be fitted up as a second or slave-deck.

Fourthly : Shackles, bolts, or hand-cuffs.

Fifthly : A quantity of water in casks or tanks, much greater than is requisite for the consumption of the crew of the vessel, as a merchant-vessel.

Sixthly : An extraordinary number of water-casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the custom-house of the port from which he cleared outwards, stating that the owners of such vessel had given sufficient security that such extra quantity of casks or of other vessels should only be employed to receive palm-oil, or for other purposes of lawful commerce.

Seventhly : A greater quantity of meat-tubs than are requisite for the use of the crew of the vessel, as a merchant-vessel.

Eighthly : A boiler of an unusual size, and larger than is requisite for the use of the crew of the vessel, as a merchant-vessel ; or more than one boiler of the ordinary size.

Ninthly : An extraordinary quantity of rice, of flour of Brazil, of manioc or cassava, commonly called harina of maize, exceeding what might probably be consumed by the crew ; such rice, flour, or maize not appearing to be entered

en su equipo alguna de las cosas siguientes, a saber :—

Primero : Escotillas con redes abiertas, en lugar de las escotillas cerradas que se usan en los buques mercantes.

Segundo : Divisiones ó tabiques en la bodega ó sobre cubierta, en mayor numero del que es necesario á un buque que se ocupa de un comercio lícito.

Tercero : Tablasen preparada para acomodarla como cubierta segunda, ó de Esclavos.

Cuarto : Grillos, cerrojos, ó esposas.

Quinto : Cantidad de agua en barriles ó cisternas, mucho mayor de la necesaria para el consumo de la tripulacion del buque como mercante.

Sexto : Un numero extraordinario de toneles para agua, ó otras vasijas para guardar liquidos, á no ser que el patron exhiba un certificado de la aduna del puerto de donde salió, en que se manifieste que los dueños de dicho buque dieron la seguridad competente de que la demasia de los toneles ó otras vasijas se emplearian solo en recibir aceite de palma, ó otros objetos de comercio lícito.

Septimo : Cantidad de vasijas de rancho, mayor que la necesaria para el uso de la tripulacion del buque como mercante.

Octavo : Una caldera de tamafío desmesurado, y mayor que la que sea necesario para el uso de la tripulacion del buque como mercante ; ó mas de una caldera del tamafío regular.

Noveno : Una cantidad extraordinaria de arroz, de harina del Brasil, manioque, ó casabe, llamado comunmente harina de maiz, que exceda lo que probablemente pueda ser consumido por la tripulacion ; siempre que el arroz, ha-

on the manifest as part of the cargo for trade.

Any one or more of these several circumstances, if proved, shall be considered as indications, *prima facie*, of the actual employment of the vessel in the Slave Trade; and will serve, therefore, to condemn and declare her a lawful prize, unless it be established by satisfactory evidence on the part of the master or owners, that the vessel, at the time of her detention, was employed in some legal pursuit.

ARTICLE X. If any of the things specified in the preceding Article be found in any merchant-vessel, no compensation for losses, damages, or expenses, resulting from the detention of such vessel, shall be allowed, either to her master or to her owner, or other person interested in her equipment or lading, even though the Tribunal declare her acquitted.

ARTICLE XI. It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained according to the stipulations of this Treaty, by their respective cruisers, as having been engaged in the Slave Trade, or as having been fitted out for the purpose thereof, and shall consequently be tried and condemned by the proper Tribunal, the said vessel shall, immediately after her condemnation, be broken up, and the separate parts sold.

ARTICLE XII. Each of the High Contracting Parties solemnly binds itself to guarantee the liberty of the Negroes who may be emancipated and conducted to either of the two nations, by virtue of the stipulations of this Treaty, from the moment of their landing in their respective territories; and to afford, from time to time, when demanded by the other party, or by the respective Tribunals, the

misma, ó más no aparecerán designados en el manifiesto como parte del cargamento para negociar.

Alguna ó algunas de estas circunstancias que se prueben, se considerarán como indicios *prima facie* de que el buque se ocupa en el Comercio de Negros: y servirán para condenarla y declararla buena presa, si no se probare satisfactoriamente por parte del maestre ó de los propietarios, que el buque se ocupaba, el tiempo de su detención, en operaciones licitas.

ARTICULO X. Si se encontrase en cualquier buque mercante alguna de las cosas especificadas en el Artículo precedente, no se concederá ninguna compensación por pérdidas, daños, ó gastos ocasionados por la detención de tal buque, al patron, dueño, ó otra persona interesada en su equipo ó carga-miento, aun cuando el Tribunal le declare absuelto.

ARTICULO XI. Queda por el presente convenido entre las dos Altas Partes Contratantes, que en todos los casos en que un buque sea detenido según las estipulaciones de este Tratado, por los respectivos cruceros, por haberse empleado en el Comercio de Esclavos, ó equipado con este fin, y que en consecuencia sea juzgado y condenado por el Tribunal que corresponde, tal buque será hecho pedazos y vendidos sus fragmentos, luego que haya sido condenado.

ARTICULO XII. Cada una de las Altas Partes Contratantes se obliga solemnemente á garantizar la libertad de los Negros que se emancipen y sean conducidos á cualquiera de las dos naciones, en virtud de las estipulaciones de este Tratado, en el hecho de pisar su territorio; y á facilitar, de tiempo en tiempo, cuando lo pida la otra Parte ó los Tribunales respectivas, el informe mas completo

fullest information as to the state and condition of such Negroes, with a view of ensuring the due execution of the Treaty in this respect.

For this purpose, the Regulations annexed to this Treaty, *sub literá C*, as to the treatment of such liberated Negroes, have been drawn up and declared an integral part of the said Treaty.

The High Contracting Parties reserve to themselves the right of altering and suspending by common consent, but not otherwise, the terms of the said Regulations.

**ARTICLE XIII.** The Annexes to this Treaty, which it is mutually agreed shall form an integral part thereof, are as follow:—

A. Instructions for the ships of the British and Mexican navies, destined to prevent the Traffic in Slaves.

B. Regulations for the Tribunals which are to take cognizance of the trials of the vessels detained by virtue of the stipulations of this Treaty.

C. Regulations for the treatment of the liberated Negroes.

**ARTICLE XIV.** As the principal object of this Treaty, Additional Articles, and three Annexes, which form part of it, is no other than that of preventing the Traffic in Slaves, without any annoyance to the respective merchant shipping of the two nations, the High Contracting Parties, animated by the same sentiments, agree that if in future it should appear necessary to adopt new measures for attaining the said beneficent object, or for obviating any inconvenience to the aforesaid shipping, which experience shall have made known, in consequence of those established in this Treaty, Additional Articles, and Annexes, proving ineffectual, the said High

sobre el estado y condicion de tales Negros, á fin de asegurar la debida ejecucion del Tratado en este punto.

Con este objeto se ha hecho el Reglamento anexo á este Tratado, bajo la letra C, sobre el trato que debe darse á dichos Negros libertados, y se ha declarado parte integrante del mismo Tratado.

Las Altas Partes Contratantes se reservan el derecho de alterar y suspender de comun acuerdo, y no de otra manera, los terminos de dicho Reglamento.

**ARTICULO XIII.** Las Piezas anexas á este Tratado, que se conviene mutuamente en que formen parte integrante de él, son las siguientes:—

A. Instrucciones para los buques de las armadas Mexicana e Inglesa, que se destinan á impedir el Trafico de Esclavos.

B. Reglamento para los Tribunales que han de conocer en los juicios de los buques detenidos en virtud de las estipulaciones de este Tratado.

C. Reglamento para el trato de los Negros que se liberten.

**ARTICULO XIV.** Como el objeto principal de este Tratado, Articulos Adicionales, y tres Piezas anexas, que forman parte de él, no es otro que él de impedir el Trafico de Esclavos, sin perjuicio alguno de las respectivas marinas mercantes de ambas naciones, las Altas Partes Contratantes, que se hallan animadas de unos mismos sentimientos, convienen en que, si en lo sucesivo apareciere necesario adoptar nuevas medidas para conseguir dicho benefico objeto, ó para evitar á las mencionadas marinas cualquier inconveniente que la experiencia hiciere conocer, por que sean ineficaces las que se establecen en este Tratado, Articulos Adicionales, y

Contracting Parties will consult together for the complete attainment of the object proposed.

**ARTICLE XV.** The present Treaty, consisting of fifteen Articles, shall be ratified, and the ratifications thereof exchanged in London within a year from this date.

In witness whereof the respective Plenipotentiaries have signed in duplicate, in the English and Spanish languages, the present Treaty, and have affixed their respective seals.

Done in the city of Mexico, this twenty-fourth day of February, in the year of our Lord, one thousand eight hundred and forty-one.

(L.S.) RICHARD PAKENHAM.  
(L.S.) LUIS GONZAGA CUEVAS.

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#### *Additional Articles.*

I. Her Britannic Majesty agrees that for the first eight years of the duration of the present Treaty, the Government of the Republic shall not be obliged to appoint cruizers to prevent the Traffic in Slaves; but the said Government of Mexico reserves to itself the right of appointing such cruizers, as soon as the circumstances of its navy may permit such appointment, giving notice thereof to the Government of Her Britannic Majesty.

II. To avoid even the possibility of prejudice resulting from the Ninth Article of the Treaty of this date, to the merchant vessels which the Mexican Government may have occasion to employ in certain cases for the conveyance of troops by sea, or of convicts from one point of the Republic to another, it is agreed to except from the operation of the Ninth Article, the merchant vessels employed by the Mexican Government in

Piezas anexas, se pondrán de acuerdo dichas Altas Partes Contratantes para el completo logro del fin que se proponen.

**ARTICULO XV.** El presente Tratado, que se compone de quince Articulos, será ratificado, y las ratificaciones cangeadas en Londres dentro de un año contado desde esta fecha.

En fé de lo cual los Plenipotenciarios respectivos han firmado por duplicado, en los idiomas Castellano é Ingles, el presente Tratado, y lo han sellado con sus sellos respectivos.

Fecho en la ciudad de Mexico, á veinte y cuatro de Febrero, del año del Señor de mil ochocientos cuarenta y uno.

(L.S.) LUIS GONZAGA CUEVAS.  
(L.S.) RICHARD PAKENHAM.

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#### *Articulos Adicionales.*

I. Su Majestad Britanica conviene en que por los primeros ocho años de la duracion del presente Tratado, no queda obligado el Gobierno de la Republica á destinar cruceros que impidan el Trafico de Esclavos; pero se reserva el mismo Gobierno de Mexico el derecho de destinarlos luego que las circunstancias de su marina se lo permitan, dando aviso al de Su Majestad Britanica.

II. Para evitar hasta la posibilidad de que sean perjudicados por el Articulo Noveno del Tratado de esta fecha, los buques mercantes que el Gobierno Mexicano tenga necesidad de emplear en algunos casos para trasportar tropas por mar, ó presidarios de un punto á otro de la Republica, se conviene en exceptuar del expreso Articulo Noveno, los buques mercantes que se empleen por el Gobierno Mexicano en dicho ser-

such service. Such vessels shall not be liable to be detained, even if one or more of the things mentioned in the aforesaid Article should be found on board; provided they do not convey Negroes destined for the Slave Trade; and that the captain of the vessel, on board which the prohibited articles or effects are found, produce a document signed by any competent authority of the Republic, stating the service on which such vessel is employed; but such document must not be of a date so remote that it may be believed, on reasonable grounds, to have been issued for another voyage, anterior to that on which such vessel has been met with.

The two preceding Additional Articles shall have the same force and effect as if they had been inserted, word for word, in the Treaty of this date. They shall be ratified, and the ratifications exchanged at the same time as those of the Treaty of which they form part.

In witness whereof the respective Plenipotentiaries have signed them, and affixed their seals.]

Done in the city of Mexico, this twenty-fourth day of February, of the year of our Lord one thousand eight hundred and forty-one.

{L.S.) RICHARD PAKENHAM.  
(L.S.) LUIS GONZAGA CUEVAS.

vicio. Los mismos buques no podrán ser detenidos, aun cuando se encuentre á bordo de ellos alguno ó algunos de los efectos que se mencionan en el referido Artículo; con tal de que no lleven Negros destinados para el Trafico; y de que el capitán del buque en que se encuentren los efectos ó artículos prohibidos, exhiba un documento firmado por cualquiera de las autoridades competentes de la Republica, en que se exprese el servicio á que ha sido destinado; pero dicho documento no será de fecha tan remota que pueda creerse prudentemente que se ha librado para otro viage anterior á aquel en que se encuentre el mencionado buque.

Los dos Articulos Adicionales que preceden, tendrán la misma fuerza y valor que si se hubieran insertado, palabra por palabra, en el Tratado de esta fecha. Serán ratificados, y las ratificaciones cambiadas al mismo tiempo que las del Tratado de que forman parte.

En fe de lo cual los respectivos Plenipotenciarios lo han firmado, y sellado con sus sellos.

Fecho en la ciudad de Mexico, á veinte y cuatro de Febrero, del año de nuestro Señor de mil ochocientos cuarenta y uno.

{L.S.) LUIS GONZAGA CUNVAL  
(L.S.) RICHARD PAKENHAM.

*Annex A to the Treaty between Great Britain and the Republic of Mexico, for the abolition of the Slave Trade.*

*Instructions for the Ships of the British and Mexican Navies, employed to prevent the Traffic in Slaves.*

**ARTICLE I.** The commander of any ship belonging to the Navy of Her Britannic Majesty, or of the Republic of Mexico, duly furnished with these Instructions, shall have the right to visit, search, and detain any British or Mexican merchant-vessel which shall be engaged, or suspected on good grounds of being engaged, in the Slave Trade, or of being fitted out for that purpose, or of having been engaged in the said Traffic during the voyage in which such vessel may be met with by such ship of the British or Mexican Navy. If such commander shold find his suspicions borne out, he may send or bring such vessels, as soon as possible, to be tried by the competent Tribunals, according to the tenor of the VIIth Article of the Treaty of this date.

**ARTICLE II.** Whenever a ship of either of the two said Navies, duly authorized as aforesaid, shall meet a merchant-vessel liable to be visited under the provisions of the Treaty, the search shall be conducted in the most considerate manner, and with every attention which ought to be observed between two allied and friendly Nations; and the search shall, in every case, be made by an officer holding a rank not lower than that of Lieutenant in the Navy to which he belongs, or by the officer who at the time shall be second in command of the ship by which the search is made.

**ARTICLE III.** The commander

*Pieza A anexa al Tratado entre la Republica Mexicana y la Gran Bretaña, para la abolicion del Trafico de Esclavos.*

*Instrucciones para los Buques de las Armadas Mexicana e Inglesa que se destinan á impedir el Tráfico de Esclavos.*

**ARTICULO I.** El comandante de cualquier buque perteneciente á la Armada de la Republica Mexicana ó de Su Majestad Britanica, debidamente autorizado con estas Instrucciones, tendrá el derecho de visitar, registrar, y detener cualquier buque mercante Mexicano ó Ingles que esté, ó se sospeche fundadamente que está, ocupado en el Comercio de Esclavos, ó equipado con este fin, ó que se ha ocupado de dicho Trafico durante el viage en que lo encuentre el buque de la Armada Mexicana ó Inglesa. Si el expresado comandante encontra realizadas sus sospechas, podrá enviar ó conducir al dicho buque, luego que le sea posible, para que lo juzgue el Tribunal competente, segun el tenor del Articulo VII del Tratado de esta fecha.

**ARTICULO II.** Cuando un buque de cualquiera de las dos dichas Armadas, autorizado debidamente segun queda expreso, encuentre un buque mercante al cual pueda visitar por las disposiciones del Tratado, se practicará el registro de la manera mas prudente, y con todas las consideraciones que deben guardarse mutuamente dos Naciones aliadas y amigas; y el registro, en todos casos, se hará por un oficial cuyo rango no sea inferior al de Teniente de la Armada á que pertenezea, ó por el oficial que á la sazon sea el segundo comandante del buque que haga el registro.

**ARTICULO III.** El comandante

of any ship of the two Navies, duly authorized, who may detain any merchant-vessel in pursuance of the present Instructions, shall leave on board the detained vessel her master, mate, or boatswain, and two or three, at least, of her crew, all her cargo, and all the Slaves, until they arrive at the place where they are to be disembarked, as stipulated in the VIIth Article of the Treaty.

The captor shall, at the time of detention, draw up in writing an authentic declaration, to be signed by himself, which shall set forth the state in which he found the detained vessel; and this document shall be given in or sent, together with the captured vessel, to the Tribunal before which such vessel shall be carried or sent for adjudication.

The said captor shall deliver to the master of the detained vessel a signed certificate, stating the papers seized on board the same, as well as the number of Slaves found on board at the time of detention.

In the authentic declaration hereby required to be made by the captor, and in the certificate of the papers seized, he shall insert his name and rank, the name of the capturing ship, the latitude and longitude of the spot where the detention shall have taken place, and the number of Slaves found on board the vessel at the time of such detention.

The declaration to be produced by the capturing commander shall also set forth the place where the Slaves have been landed, in pursuance of the stipulation in the VIIth Article of the Treaty, as well as the necessity and reasons for having conveyed them to such place.

The officer in charge of the

de cualquier buque de las dos Armadas, autorizado debidamente, que detenga algun buque mercante en cumplimiento de las presentes Instrucciones, dejará á bordo del buque detenido al patron, piloto, ó contramaestre, y á dos ó tres individuos, á lo menos, de su tripulacion, todo el cargamento, y todos los Esclavos, hasta llegar al punto en que deben ser desembarcados, segun se ha estipulado en el Articulo VII del Tratado.

El aprehensor, al tiempo de la detencion, extenderá por escrito una declaracion autentica, firmada por él, que manifieste el estado en que encontró al buque detenido, y este documento se presentará ó enviará con el buque apresado, al Tribunal ante el cual se conduzca, ó envie dicha embarcacion para ser juzgada.

El mismo aprehensor entregará al patron del buque detenido un certificado firmado, en que se expresen los papeles tomados á su bordo, como tambien el numero de Esclavos hallados en él al tiempo de la detencion.

En la declaracion autentica que por el presente se requiere haga el aprehensor, y en el certificado de los papeles tomados, constará su nombre y graduacion, el nombre del buque que haga la captura, la latitud y longitud del punto en que se verificó la detencion, y el numero de Esclavos hallados á bordo del buque al tiempo de dicha detencion.

Tambien constará en la declaracion que ha de exhibir el comandante aprehensor, el lugar en que sean desembarcados los Esclavos en virtud de lo estipulado en el Articulo VII del Tratado, y la necesidad y causas de haberlos conducido al mencionado lugar.

El oficial encargado del buque

detained vessel shall, at the time of giving in the aforesaid papers to the proper Tribunal, produce a statement, sworn to and signed by himself, of the changes which may have taken place with respect to the vessel, her crew, the Slaves, if any, and her cargo, from the time of her detention to the day of the delivery of such document.

The undersigned Plenipotentiaries have agreed, in conformity with the XIII<sup>th</sup> Article of the Treaty signed this day, that the preceding Instructions, consisting of three Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

Done in the city of Mexico, this twenty-fourth day of February, one thousand eight hundred and forty-one.

(L.S.) RICHARD PAKENHAM.  
(L.S.) LUIS GONZAGA CUEVAS.

detenido, al presentar los expuestos papeles al Tribunal correspondiente, exhibirá una constancia, jurada y firmada por él, sobre las novedades que haya tenido el buque, su tripulacion, los Esclavos, si hubiere algunos, y su cargamento, desde su detencion hasta el dia de la entrega del expreso documento.

Los infrascritos Plenipotenciarios han convenido, de conformidad con el Articulo XIII del Tratado firmado hoy, en que las Instrucciones precedentes, compuestas de tres Articulos, correrán anexas á dicho Tratado, y se considerarán como parte integrante de él.

Fecho en la ciudad de Mexico, á veinte y cuatro de Febrero, de mil ochocientos cuarenta y uno.

(L.S.) LUIS GONZAGA CUEVAS.  
(L.S.) RICHARD PAKENHAM.

*Annex B to the Treaty between Great Britain and the Republic of Mexico, for the abolition of the Slave Trade.*

*Regulations for the Courts which are to take cognizance of the causes of the vessels detained by virtue of the stipulations of the Treaty of this date.*

ARTICLE I. The Courts which, according to the laws of the two Contracting Nations, are to take cognizance of the causes of the vessels detained by virtue of the stipulations of the Treaty to which these Regulations are annexed, shall proceed in the most summary manner permitted by the laws of their respective countries, and with entire subjection to the stipulations of the said Treaty, observing in every case the strictest impartiality.

*Pieza B anexa al Tratado entre la Republica Mexicana y la Gran Bretaña, para la abolicion del Trafico de Esclavos.*

*Reglamento para los Tribunales que han de conocer en los juicios de los buques detenidos en virtud de las estipulaciones del Tratado de esta fecha.*

ARTICULO I. Los Tribunales que, segun las leyes de ambas Naciones Contratantes, hayan de conocer en los juicios de los buques detenidos en virtud de las estipulaciones del Tratado á que es anexo este Reglamento, procederán de la manera mas sumaria que permita la legislacion del pais respectivo, y con total sujecion á los convenios de dicho Tratado, obrando en todo con la mas estricta imparcialidad.

Each of the two High Contracting Parties engages to defray out of their respective Treasuries the salaries of the judges and officers appointed to take cognizance of these causes.

ARTICLE II. The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, Slaves and cargo; and the expenses of carrying the sentence into execution; and all disbursements occasioned in bringing the vessel before the competent Court, shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the vessel, after the same shall have been broken up, of the ship's stores, and other articles of merchandise found on board; and in case the proceeds arising from such sales should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territory the vessel shall have been tried.

If the detained vessel should be acquitted, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, except in the cases specified and provided for in the Tenth Article of the Treaty of this date, and in the Sixth Article of these Regulations.

ARTICLE III. The final sentence of the Courts which have to take cognizance of these causes, shall not in any case be delayed for more than two months, whether on account of the absence of witnesses, or for any other cause, except upon the application of any of the parties interested; but in that case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the Courts may, at their

Cada una de las Altas Partes Contratantes se compromete á tener dotados por su Erario los jueces y oficiales que deben conocer en estos juicios.

ARTICULO II. Los gastos hechos por el oficial encargado de la recepcion, mantencion, y cuidado del buque detenido, Esclavos, y carga-miento; los de la ejecucion de la sentencia; y todos los desembolsos para poner al buque ante el Tribunal competente, se costearán, si fuere condenado, de los fondos que resulten de la venta de los materiales del buque, despues de hacer pedazos, y de la de las provisiones y demas efectos de comercio anotrados en él; y en caso de que los productos de ambas ventas no fueren suficientes para indemnizar de tales gastos, se cubrirá el deficit por el Gobierno del pais en cuyo territorio haya sido juzgado el buque.

Si el buque detenido fuere absuelto, los gastos que se hubieren hecho para ponerlo ante el Tribunal respectivo, se cubrirán por el aprehensor, excepto en los casos especificados y previstos en el Articulo Decimo del Tratado de este fecha, y en el Articulo Sexto de este Reglamento.

ARTICULO III. En ningun caso se diferirá la sentencia definitiva de los Tribunales que han de conocer in estos juicios por mas de dos meses, ya sea por motivo de ausencia de los testigos, ó ya por otra causa cualquiera, salvo cuando las partes interesadas interpongan recurso; en cuyo caso, y siempre que dicha parte ó partes interesadas presenten fianzas suficientes de abonar los gastos y tomar sobre si los riesgos de la dilacion, los Tribunales podrán

discretion, grant an additional delay, not exceeding four months. Either party may employ such person or persons as he may think fit, to assist him in the trials in question.

All the acts and essential parts of the proceedings of the respective Courts shall be drawn up in writing, in the language of the country to which the Court belongs.

**ARTICLE IV.** If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Court, claim a valuation of the damages which he may have a right to demand.

The captor himself, and, in his default, his Government, shall remain responsible for the damages to which the master of such vessel, or the owners, either of the vessel or of her cargo, may be pronounced to be entitled.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject.

**ARTICLE V.** If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be; and the said vessel shall, as well as her cargo, be sold by public auction for the benefit of the two

conceder, á su arbitrio, una nueva prorroga que no excede de cuatro meses. Las partes podrán emplear, para que las dirijan en los juicios de que se trata, á la persona ó personas que les convengan.

Todas las actuaciones ó procedimientos esenciales de los respectivos Tribunales se extenderán por escrito, y en el idioma del país á que pertenezca el mencionado Tribunal.

**ARTICULO IV.** Si la embarcación apresada fuere absuelta por la sentencia del Tribunal, la embarcación y su cargamento se entregarán, en el estado en que entonces se encuentren, al capitán, ó á la persona que le represente; y dicho capitán, ó la persona que haga sus veces, podrá reclamar ante el mismo Tribunal la evaluación del resarcimiento de perjuicios que tenga derecho de pedir.

El aprehensor, y, en su defecto, el Gobierno de que sea subdito, quedará responsable al pago de los perjuicios á que hayan sido declarados acreedores el capitán de la mencionada embarcación, e los propietarios de la misma ó de su cargamento.

Las dos Altas Partes Contratantes se obligan á satisfacer, dentro del término de un año contado desde el día de la fecha de la sentencia, las costas y perjuicios que el mencionado Tribunal haya concedido; quedando mutuamente entendido y convenido, que estas costas y perjuicios serán satisfechos por el Gobierno de país á que pertenezca el aprehensor.

**ARTICULO V.** Si la embarcación aprehendida fuere condenada, será declarada buena presa, con su cargamento, sea de la naturaleza que fuere; y dicha embarcación será vendida, igualmente que su cargamento, á pública subasta en beneficio de ambos Gobiernos,

Governments, subject to the payment of the expenses hereinafter mentioned.

ARTICLE VI. The Courts shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in Article the Tenth of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations, the Court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention; and it is agreed that the indemnification shall be as follows:

First. In case of total loss, the claimant or claimants shall be indemnified:

A. For the ship, her tackle, equipment, and stores.

B. For all freights due and payable.

C. For the value of the cargo of merchandise, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

D. For all other regular charges in such case of total loss.

Secondly. In all other cases

déspues de satisfacer los gastos que abajo se expresan.

ARTICULO VI. Los Tribunales examinarán tambien, y juzgarán definitivamente y sin apelación, todas las reclamaciones por compensación de pérdidas ocasionadas á los buques y cargamentos que hayan sido detenidos con arreglo á las estipulaciones del presente Tratado, pero que no hayan sido declarados presas legales por los mencionados Tribunales; y en todos los casos en que se decrete la restitución de dichos buques y cargamentos, salvo en los mencionados en Artículo Decimodel Tratado al que este Reglamento corre anexo, y en una parte subsiguiente de este mismo Reglamento, los Tribunales concederán al reclamante ó reclamantes, á su apoderado ó apoderados legalmente instituidos al efecto, una justa y completa indemnización por todas las costas del proceso, por todas las perdidas y perjuicios que el propietario ó propietarios hayan experimentado efectivamente un consecuencia de dicha captura y detención; quedando convenido que la indemnización se verificará del modo siguiente:

Primero. En caso de perdida total, el reclamante ó reclamantes serán indemnizados:

A. Por el buque, sus aparejos, su equipo y provisiones.

B. Por todos los fletes debidos y pagaderos.

C. Por el valor del cargamento de mercancías, si había alguna, deduciendo todas las cargas y todos los gastos que se hubiesen pagado por la venta de dicho cargamento, inclusa la comision de venta.

D. Por todas las demás cargas que regularmente ocurren en el mencionado caso de perdida total.

Segundo. En todos los demás

(~~cases of detention mentioned~~) not of total loss, the claimant or claimants shall be indemnified:

A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable.

B. For demurrage when due, according to the Schedule annexed to the present Article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of .5 (five) per cent. per annum on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the Courts, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

casos (excepto los mencionados mas abajo) en que no se haya verificado la perdida total, el reclamante ó reclamantes serán indemnizados:

A. Por todos los perjuicios y gastos especiales ocasionados al buque por la detencion, y por la perdida de los fletes debidos ó pagaderos.

B. Por estadias, cuando sean debidas, con arreglo á la Tarifa anexa al presente Articulo.

C. Por cualquiera avería ó deteriorio del cargamento.

D. Por cualquier premio de seguros sobre riesgos adicionales.

El reclamante ó reclamantes tendrán derecho al interes de un cinco por ciento anual sobre la suma concedida, hasta que dicha suma sea pagada por el Gobierno á que pertenezca el buque apresador. El importe total de todas las mencionadas indemnizaciones se calculará en moneda del pais á que pertenezca la embarcacion apresada, y se liquidará al cambio corriente al tiempo de hacerse la concesion.

Sin embargo, las dos Altas Partes Contratantes han convenido en que si se prueba á satisfaccion de los Tribunales que el aprehensor ha sido inducido á error por culpa del capitán ó comandante de la embarcacion capturada, esta embarcacion capturada no tendrá derecho á cobrar, por el tiempo de su detencion, las estadias estipuladas en el presente Articulo, ni compensacion alguna por perdidas, daños, ó gastos consiguientes á su aprehension.

*Schedule of demurrage or daily allowance for a vessel of*

100 tons to	120 inclusive £5	per ton. per day. per ton. per day. per ton. per day.
121 "	150 " 6	
151 "	170 " 8	
171 "	200 " 10	
201 "	220 " 11	
221 "	250 " 12	
251 "	270 " 14	
271 "	300 " 15	

and so on in proportion.

**ARTICLE VII.** Neither the magistrates who constitute the Courts, nor the secretaries, nor the subordinate officers, shall demand or receive from any of the parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of their duties.

The undersigned Plenipotentiaries have agreed, in conformity with the XIII<sup>th</sup> Article of the Treaty of this date, that the preceding Regulations, consisting of seven Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

Done in the city of Mexico, this twenty-fourth day of February, one thousand eight hundred and forty-one.

(L.S.) RICHARD PAKENHAM.  
(L.S.) LUIS GONZAGA CUEVAS.

*Tarifa de estadias, ó sea abono diario, para una embarcacion de diez*

100 toneladas á 120 inclusive £5	por ton. por day. por ton. por day. por ton. por day.
121 " 150 " 6	
151 " 170 " 8	
171 " 200 " 10	
201 " 220 " 11	
221 " 250 " 12	
251 " 270 " 14	
271 " 300 " 15	

y así proporcionalmente.

**ARTICULO VII.** Ni los magistrados que formen los Tribunales, ni los secretarios, ni los empleados subalternos, pedirán ni recibirán de ninguna de las partes interesadas en los casos que se presenten ante los dichos Tribunales, ningún emolumento ó dadora, bajo ningún pretexto, por el cumplimiento de sus deberes.

Los infrascritos Plenipotenciarios han convenido, con arreglo al Artículo XIIIº del Tratado de esta fecha, que el Reglamento que precede, y consta de siete Artículos, correrá anexo á dicho Tratado, y será considerado como parte integrante del mismo.

Fecho en la ciudad de Mexico, á veinte y cuatro de Febrero, do mil ochocientos cuarenta y uno.

(L.S.) LUIS GONZAGA CUEVAS.  
(L.S.) RICHARD PAKENHAM.

*Annex C to the Treaty between Great Britain and the Republic of Mexico, for the abolition of the Slave Trade.*

*Regulations for the treatment of liberated Negroes.*

**ARTICLE I.** The object of these Regulations is to secure to Negroes liberated by the stipulations

*Pieza C anexa al Tratado entre la Republica Mexicana y la Gran Bretaña, para la abolicion del Trafico de Esclavos.*

*Reglamento para el trato de los Negros emancipados.*

**ARTICULO I.** El objeto de este Reglamento es asegurar á los Negros emancipados por las estipula-

of the Treaty to which they form an annex (*sub litera C*), permanent good treatment, and full and complete emancipation, in conformity with the humane intentions of the High Contracting Parties.

**ARTICLE II.** As soon as the Slaves are disembarked, in conformity with the provisions of the VIIth Article of the Treaty to which these Regulations are annexed, they shall receive from the chief political authority a certificate of emancipation, and shall immediately be placed at the disposition of the Government of the Nation to which the point or place of disembarkation belongs, in order that they may be treated in accordance with the present Regulation.

**ARTICLE III.** The Government of the Republic of Mexico engages, when the case occurs, to secure to the Negroes the enjoyment of their acquired liberty; good treatment; adequate instruction in the tenets of religion and morality; and such as may be necessary in order that they may be able to maintain themselves as artisans, mechanics, or domestic servants.

**ARTICLE IV.** Her Britannic Majesty, in like manner, engages to treat such Negroes, when disembarked in any point of her Dominions, in exact conformity with the laws in force in the Colonies of Great Britain for the regulation of the emancipated Negroes.

**ARTICLE V.** The two Governments engage to take the requisite measures with a view to obtain periodically information of the existence of the Negroes who may have been emancipated by virtue of the Treaty of this date, of the improvement in their condition, and of the progress made in their instruction, both religious and

laciones del Tratado á que está anexo bajo la letra C, un buen trato permanente, y una entera y completa emancipacion, en conformidad con las benéficas intenciones de las Altas Partes Contratantes.

**ARTICULO II.** Luego que los Esclavos sean desembarcados, conforme á las prevenciones del Artículo VII del Tratado á que corre anexo este Reglamento, recibirán de la autoridad superior política un certificado de emancipacion, y se pondrán inmediatamente a disposicion del Gobierno de la Nacion á la cual pertenezca el punto ó lugar de desembarco, para que sean tratados conforme al presente Reglamento.

**ARTICULO III.** El Gobierno de la Republica Mexicana se compromete, en su caso, á asegurar á los Negros la conservacion de la libertad adquirida; un buen trato; la instruccion suficiente en los dogmas de la religion y de la moral; y la que sea necesaria para que puedan mantenerse como artesanos, menestrales, ó criados de servicio.

**ARTICULO IV.** Su Majestad Britanica se obliga igualmente á tratar á los dichos Negros desembarcados en cualquier punto de sus Dominios, en absoluta conformidad con las leyes vigentes en las Colonias de la Gran Bretaña respecto al regimen de los Negros emancipados.

**ARTICULO V.** Ambos Gobiernos se comprometen á tomar las disposiciones necesarias con el fin de tener noticia periodicamente de la existencia de los Negros que hayan sido emancipados en virtud del Tratado de esta fecha, de las mejoras de su condicion, y de los progresos de su enseñanza asi religiosa y moral como industrial; 6

moral, as also in the arts of life; or proof of their death. These data will serve to furnish, as the case occurs, the information spoken of in the XIIth Article of the said Treaty.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty of this date, that these Regulations, consisting of five Articles, shall be annexed to the said Treaty, and be considered as an integral part thereof.

Done in the city of Mexico, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and forty-one.

(L.S.) RICHARD PAKENHAM.

(L.S.) LUIS GONZAGA CUEVAS.

de las constancias de su fallecimiento. Estos datos servirán para ministrar, en su caso, el informe de que habla el Articulo XII del mismo Tratado.

Los infrascritos Plenipotenciarios se han convenido, de conformidad con el Articulo XIII del Tratado de esta fecha, en que el presente Reglamento, compuesto de cinco Articulos, esté anexo á dicho Tratado, y se considere como parte integrante de él.

Fecho en la ciudad de Mexico, á veinte y cuatro de Febrero, en el año del Señor de mil ochocientos cuarenta y uno.

(L.S.) LUIS GONZAGA CUEVAS.

(L.S.) RICHARD PAKENHAM.

#### *Further Additional Article.*

Whereas there was concluded between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Mexico, on the 24th of February, 1841, a Treaty for the suppression of the Slave Trade under the flag of Mexico;

And whereas unforeseen circumstances have prevented the exchange of the ratifications of the said Treaty within the time stipulated by the XVth Article of the same Treaty; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Mexican Republic, have found it expedient to enter into an agreement for extending the period assigned for the exchange of the ratifications of the aforesaid Treaty:

They have therefore named as their Plenipotentiaries, *ad hoc*:

Her Majesty the Queen of the United Kingdom of Great Britain

Habiendose concluido entre la Republica Mexicana, y Su Magestad la Reyna del Reyno Unido de la Gran Bretaña e Irlanda, en 24 de Febrero, de 1841, un Tratado para la supresion del Trafico de Esclavos bajo el pabellon Mexicano;

Y en atencion á que imprevistas circunstancias han impedido el cange de las ratificaciones de dicho Tratado dentro del tiempo estipulado en su Articulo XV; el Excelentissimo Señor Presidente de la Republica Mexicana, y su Magestad la Reyna del Reyno Unido de la Gran Bretaña e Irlanda, han juzgado oportuno entrar en un arreglo para la ampliacion del periodo asignado para el cange de las ratificaciones del Tratado referido:

Por tanto han nombrado como sus Plenipotenciarios, *ad hoc*:

El Excelentissimo Señor Presidente de la Republica Mexicana, á

and Ireland, Richard Pakenham, Esquire, Her Majesty's Minister Plenipotentiary to the Republic of Mexico ;

And his Excellency the President of the Mexican Republic, his Excellency Don José María Tornel, General of Division and Minister of State for the Department of War and Marine :

Who, having examined their full powers, and found them in good and due form, have agreed upon the following Additional Article to the Treaty of the 24th of February, 1841 :—

#### ADDITIONAL ARTICLE.

The ratifications of the Treaty for the suppression of the Slave Trade under the flag of Mexico, concluded at Mexico on the 24th of February, 1841, shall be exchanged in London within six months from the date of this agreement.

The present Additional Article shall have the same force and effect as if it had been inserted, word for word, in the aforesaid Treaty of the 24th of February, 1841, and the ratifications of it shall be exchanged in London at the same time as the ratifications of the Treaty of which it forms a part.

In witness whereof the respective Plenipotentiaries have signed the present agreement, and have affixed their respective seals.

Done in the city of Mexico, the thirteenth day of April, in the year of our Lord one thousand eight hundred and forty-two.

(L.S.) RICHARD PAKENHAM.  
(L.S.) JOSE MARIA TORTEL.

su Excelencia el Señor Don José María Tornel, General de División, y Ministro de Estado y del Despacho de Guerra y Marina ;

Y Su Magestad la Reyna del Reyno Unido de la Gran Bretaña e Irlanda, al Señor Don Ricardo Pakenham, su Ministro Plenipotenciario en la Republica de Mexico :

Quienes, habiendo examinado sus plenos poderes, y halladlos en buena y debida forma, han convenido en el siguiente Artículo Adicional al Tratado de 24 de Febrero de 1841 :—

#### ARTICULO ADICIONAL.

Las ratificaciones del Tratado para la supresion del Trafico de Esclavos bajo el pabellon Mexicano, concluido en Mexico en 24 de Febrero de 1841, serán cangeadas en Londres dentro de seis meses contados desde la fecha de este convenio.

El presente Artículo Adicional tendrá la misma fuerza y valor que si hubiera sido insertado á la letra en el Tratado referido de 24 de Febrero de 1841, y sus ratificaciones serán cangeadas en Londres al mismo tiempo que las del Tratado de que forma parte.

En fé de lo cual los Plenipotenciarios respectivos han firmado el presente convenio, y lo han sellado con sus sellos respectivos.

Fecha en la ciudad de Mexico, el dia trece de Abril del año del Señor de mil ochocientos cuarenta y dos.

(L.S.) JOSE MARIA TORTEL.  
(L.S.) RICHARD PAKENHAM.

## 20. AUSTRIA, PRUSSIA, RUSSIA.

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**SPECIAL ORDER.**

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*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS, by a Treaty concluded between Great Britain, Austria, France, Prussia, and Russia, signed at London on the 20th of December, 1841, for the total Suppression of the African Slave Trade, and the Ratifications of which, by Great Britain, Austria, Prussia, and Russia, were exchanged on the 19th February, 1842, it was stipulated that certain cruizers belonging to the said countries respectively, shall be authorized, under Special Instructions therein mentioned, to visit and detain, within particular limits, merchant vessels of the other Contracting Parties engaged in the Slave Trade, or suspected of being fitted out for that Traffic: and whereas we think fit, that the vessel you command shall be one of the British cruizers furnished with the said Special Instructions,—

We herewith transmit to you a copy of the said Treaty of the 20th of December, and of the Instructions thereunto annexed, hereinbefore mentioned; and you are accordingly authorized, *by virtue of this present Order, and of the accompanying Warrant from the Government of*

to visit within the limits set forth in the  
2nd Article of the said Treaty, merchant vessels under the  
flag, suspected of being engaged in the Slave Trade, and to  
deal with such vessels as shall have engaged in that Traffic, or shall be  
suspected of being fitted out for that Traffic, in the manner pointed  
out in the said Treaty, Warrant, and Instructions: and we charge  
and require you to conform most strictly to all the provisions and stipulations contained therein, taking care to exercise the authority so  
conferred upon you, in the mildest manner, and with every attention  
which is due between allied and friendly nations, and to co-operate  
cordially with the commanders of any  
vessels  
of war employed in the same service.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.  
W. H. GAGE.

To  
*Commander of Her Majesty's ship*  
By command of their Lordships,  
SIDNEY HERBERT.

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*Treaty between Great Britain, Austria, France, Prussia, and Russia, for the suppression of the African Slave Trade.  
Signed at London, December 20, 1841.*

*In the Name of the Most Holy and Indivisible Trinity.*      *Au Nom de la Très Sainte et Indivisible Trinité.*

THEIR Majesties the Emperor of Austria, King of Hungary and Bohemia, the King of Prussia, and the Emperor of all the Russias, being desirous to give full and complete effect to the principles which have already been recorded in the solemn Declarations made by Austria, Prussia, and Russia, in common with other European Powers, at the Congress of Vienna, on the 8th of February, 1815, and at the Congress of Verona, on the 28th of November, 1822,—Declarations by which the said Powers announced that they were ready to concur in everything that might secure and accelerate the complete and final abolition of the Slave Trade: and their Majesties having been invited by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and by His Majesty the King of the French, to conclude a Treaty for more effectual suppression of the Traffic, their said Majesties have determined to negotiate and conclude together a Treaty for the final abolition of that Traffic: and to this end they have named as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George, Earl of Aberdeen, Viscount Gordon, Viscount Formartine, Lord Haddo, Methlick, Tarvis, and Kellie, a Peer of the United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, Knight of the Most Ancient and Most Noble Order of

LEURS Majestés l'Empereur d'Autriche, Roi d'Hongrie et de Bohême, le Roi de Prusse, et l'Empereur de toutes les Russies, voulant donner un plein et entier effet aux principes déjà énoncés dans les Déclarations solennelles faites par l'Autriche, la Prusse, et la Russie, d'accord avec d'autres Puissances Européennes, au Congrès de Vienne, le 8 Février, 1815, et au Congrès de Vérone, le 28 Novembre, 1822,—Déclarations par lesquelles les dites Puissances ont annoncé qu'elles étaient prêtes à concourir à tout ce qui pourrait assurer et accélérer l'abolition complète et finale de la Traite des Nègres: et leurs Majestés ayant été invitées par Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et par Sa Majesté le Roi des Français, à conclure un Traité pour la suppression plus efficace de la Traite, leurs dites Majestés ont résolu de négocier et de conclure ensemble un Traité pour l'abolition finale de ce Trafic: et à cet effet elles ont nommé pour leurs Plénipotentiaires, savoir:—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable George, Comte de Aberdeen, Vicomte Gordon, Vicomte Formartine, Lord Haddo, Methlick, Tarvis, et Kellie, Pair du Royaume Uni, Conseiller de Sa Majesté en son Conseil Privé, Chevalier du Très Ancien et Très Noble Ordre du Chardon, et Principal Secré-

the Thistle, and Her Majesty's Principal Secretary of State for Foreign Affairs;

His Majesty the Emperor of Austria, King of Hungary and Bohemia, the Sieur Augustus, Baron de Koller, Knight of the Order of St. Ferdinand and of Merit of Sicily, Councillor of Embassy, his Chargé d'Affaires and Plenipotentiary in London;

His Majesty the King of the French, the Sieur Louis de Beaupoil, Count of Ste. Aulaire, a Peer of France, Grand Officer of the Royal Order of the Legion of Honour, Grand Cross of the Order of Leopold of Belgium, one of the Forty of the French Academy, his Ambassador Extraordinary to Her Britannic Majesty;

His Majesty the King of Prussia, the Sieur Alexander Gustavus Adolphus, Baron de Schleinitz, Knight of the Royal Order of St. John of Jerusalem, his Chamberlain, Councillor of Legation, Chargé d'Affaires and Plenipotentiary in London;

And His Majesty the Emperor of all the Russias, the Sieur Philip, Baron de Brunnow, Knight of the Order of the White Eagle, of St. Anne of the first class, of St. Stanislaus of the first class, of St. Vladimir of the third, Commander of the Order of St. Stephen of Hungary, Knight of the Order of the Red Eagle and of St. John of Jerusalem, his Privy Councillor, Envoy Extraordinary, and Minister Plenipotentiary to Her Britannic Majesty;

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and signed the following Articles:

ARTICLE I. Their Majesties the Emperor of Austria, King of Hungary and Bohemia, the King of Prussia, and the Emperor of

taire d'Etat de Sa Majesté, ayant le Département de Affaires Etrangères;

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Sieur Auguste, Baron de Koller, Chevalier de l'Ordre de St. Ferdinand et du Mérite de Sicile, Conseiller d'Ambassade, son Chargé d'Affaires et Plénipotentiaire à Londres;

Sa Majesté le Roi des Français, le Sieur Louis de Beaupoil, Comte de Ste. Aulaire, Pair de France, Grand Officier de l'Ordre Royal de la Légion d'Honneur, Grand-Croix de l'Ordre de Léopold de Belgique, l'un des Quarante de l'Académie Française, son Ambassadeur Extraordinaire près Sa Majesté Britannique;

Sa Majesté le Roi de Prusse, le Sieur Alexandre Gustave Adolphe, Baron de Schleinitz, Chevalier de l'Ordre Royal de St. Jean de Jérusalem, son Chambellan, Conseiller de Légation Actuel, Chargé d'Affaires et Plénipotentiaire à Londres;

Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Philippe, Baron de Brunnow, Chevalier de l'Ordre de l'Aigle Blanc, de Ste. Anne de première classe, de St. Stanislas de première classe, de St. Vladimir de troisième, Commandeur de l'Ordre de St. Etienne de Hongrie, Chevalier de l'Ordre de l'Aigle Rouge et de St. Jean de Jérusalem, son Conseiller Privé, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique;

Lesquels, après s'être communiqués leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivans:

ARTICLE I. Leurs Majestés l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Roi de Prusse, et l'Empereur de toutes les Russies,

all the Russias, engage to prohibit all Trade in Slaves, either by their respective subjects, or under their respective flags, or by means of capital belonging to their respective subjects; and to declare such Traffic piracy. Their Majesties further declare, that any vessel which may attempt to carry on the Slave Trade, shall, by that fact alone, lose all right to the protection of their flag.

ARTICLE II. In order more completely to accomplish the object of the present Treaty, the High Contracting Parties agreed by common consent, that those of their ships of war which shall be provided with Special Warrants and Orders, prepared according to the forms of the Annex A of the present Treaty, may search every merchant vessel belonging to any one of the High Contracting Parties which shall, on reasonable grounds, be suspected of being engaged in the Traffic in Slaves, or of having been fitted out for that purpose, or of having been engaged in the Traffic during the voyage in which she shall have been met with by the said cruisers; and that such cruisers may detain, and send or carry away such vessels in order that they may be brought to trial in the manner hereinafter agreed upon.

Nevertheless, the above-mentioned right of searching the merchant vessels of any one or other of the High Contracting Parties, shall be exercised only by ships of war whose commanders shall have the rank of Captain, or that of Lieutenant in the Royal or Imperial Navy, unless the command shall, by reason of death or otherwise, have devolved upon an officer of inferior rank. The commander of such ship of war shall be furnished with Warrants according to the

s'engagent à prohiber toute Traite des Nègres, soit de la part de leurs sujets respectifs, soit sous leurs pavillons respectifs, soit au moyen de capitaux appartenant à leurs sujets respectifs; et à déclarer un tel Trafic crime de piraterie. Leurs Majestés déclarent, en outre, que tout navire qui tenterait d'exercer la Traite des Nègres, perdra, par ce seul fait, tout droit à la protection de leur pavillon.

ARTICLE II. Afin d'atteindre plus complètement le but du présent Traité, les Hautes Parties Contractantes sont convenues d'un commun accord, que ceux de leurs bâtimens de guerre qui seront munis de Mandats et d'Ordres spéciaux dressés d'après les formules de l'Annexe A du présent Traité, pourront visiter tout navire marchand appartenant à l'une ou l'autre des Hautes Parties Contractantes, qui, sur des présomptions fondées, sera soupçonné de se livrer à la Traite des Nègres, ou d'avoir été équipé à cette fin, ou de s'être livré à cette Traite pendant la traversée où il aura été rencontré par les dits croiseurs; et que ces croiseurs pourront arrêter, et envoyer ou emmener les dits navires, afin qu'ils puissent être mis en jugement d'après le mode convenu ci-après.

Toutefois, le droit ci-dessus mentionné de visiter les navires marchands de l'une ou l'autre des Hautes Parties Contractantes, ne pourra être exercé que par des bâtimens de guerre dont les commandans auront le grade de Capitaine, ou celui de Lieutenant dans la Marine Royale ou Impériale, à moins que par suite de décès, ou autre cause, le commandement ne soit échu à un officier d'un rang inférieur. L'officier commandant un tel bâtimen de guerre sera

form annexed to the present Treaty, under letter A.

The said mutual right of search shall not be exercised within the Mediterranean Sea. Moreover, the space within which the exercise of the said right shall be confined, shall be bounded, on the north, by the 32nd parallel of north latitude: on the west, by the eastern coast of America, from the point where the 32nd parallel of north latitude strikes that coast, down to the 45th parallel of south latitude; on the south, by the 45th parallel of south latitude, from the point where that parallel strikes the eastern coast of America to the 80th degree of longitude east from the meridian of Greenwich: and on the east, by the same degree of longitude, from the point where it is intersected by the 45th parallel of south latitude up to the coast of India.

**ARTICLE III.** Each of the High Contracting Parties which may choose to employ cruizers for the suppression of the Slave Trade, and to exercise the mutual right of search, reserves to itself to fix, according to its own convenience, the number of the ships of war which shall be employed on the service stipulated in the Second Article of the present Treaty, as well as the stations on which the said ships shall cruise.

The names of the ships appointed for this purpose, and those of their commanders, shall be communicated by each of the High Contracting Parties to the others; and they shall reciprocally apprise each other every time that a cruizer shall be placed on a station, or shall be recalled from thence, in order that the necessary Warrants may be delivered by the Governments authorizing the search, and returned to those Governments by

muni de Mandats conformes à la formule annexée au présent Traité sub litert A.

Le dit droit mutuel de visite ne sera pas exercé dans la Mer Méditerranée. De plus, l'espace dans lequel l'exercice du dit droit sera renfermé, aura pour limite, au nord, le 32<sup>e</sup> degré de latitude septentrionale; à l'ouest, la côte orientale de l'Amérique, à partir du point où le 32<sup>e</sup> degré de latitude septentrionale touche cette côte, jusqu'au 45<sup>e</sup> degré de latitude méridionale; au sud, le 45<sup>e</sup> degré de latitude méridionale, à partir du point où ce degré de latitude touche la côte orientale de l'Amérique, jusqu'au 80<sup>e</sup> degré de longitude orientale du méridien de Greenwich; et à l'est, ce même degré de longitude, à partir de son point d'intersection avec le 45<sup>e</sup> degré de latitude méridionale jusqu'à la côte des Indes Orientales.

**ARTICLE III.** Chacune des Hautes Parties Contractantes qui voudra armer des croiseurs pour la suppression de la Traite des Nègres, et exercer le droit mutuel de visite, se réserve de fixer, selon ses propres convenances, le nombre des bâtimens de guerre qui sera employé au service stipulé dans l'Article II du présent Traité, ainsi que les stations où les dits bâtimens feront leur croisière.

Les noms des bâtimens désignés à cet effet, et ceux de leurs commandans, seront communiqués par chacune des Hautes Parties Contractantes aux autres; et elles se donneront réciproquement avis chaque fois qu'un croiseur sera placé à une station, ou qu'il en sera rappelé, afin que les Mandats nécessaires puissent être délivrés par les Gouvernemens qui autorisent la visite, et restitués à ces mêmes Gouvernemens par celui qui les a

the Government which has received them, when these Warrants shall no longer be necessary for the execution of the present Treaty.

**ARTICLE IV.** Immediately after the Government which employs the cruisers shall have notified to the Government which is to authorize the search, the number and the names of the cruisers which it intends to employ, the Warrants authorizing the search shall be made out according to the form annexed to the present Treaty, under letter A, and shall be delivered by the Government which authorizes the search to the Government which employs the cruiser.

In no case shall the mutual right of search be exercised upon the ships of war of the High Contracting Parties.

The High Contracting Parties shall agree upon a particular signal, to be used exclusively by those cruisers which shall be invested with the right of search.

**ARTICLE V.** The cruisers of the High Contracting Parties authorized to exercise the right of search and detention in execution of the present Treaty, shall conform themselves strictly to the Instructions annexed to the said Treaty, under letter B, in all that relates to the formalities of the search and of the detention, as well as to the measures to be taken, in order that the vessels suspected of having been employed in the Traffic, may be delivered over to the competent Tribunals.

The High Contracting Parties reserve to themselves the right of making in these Instructions, by common consent, such alterations as circumstances may render necessary.

The cruisers of the High Contracting Parties shall mutually afford to each other assistance in

reçus, lorsque ces Mandats ne seront plus nécessaires à l'exécution du présent Traité.

**Article IV.** Immédiatement après que le Gouvernement qui emploie les croiseurs aura notifié au Gouvernement qui doit autoriser la visite, le nombre et les noms des croiseurs qu'il se propose d'employer, les Mandats autorisant la visite seront dressés d'après la formule annexée au présent Traité, sub litera A, et seront délivrés par le Gouvernement qui autorise la visite à celui qui emploie le croiseur.

Dans aucun cas, le droit mutuel de visite ne pourra être exercé sur les bateaux de guerre des Hautes Parties Contractantes.

Les Hautes Parties Contractantes conviendront d'un signal spécial, à l'usage exclusif de ceux des croiseurs qui seront investis du droit de visite.

**ARTICLE V.** Les croiseurs des Hautes Parties Contractantes, autorisés à exercer le droit de visite et d'arrestation, en exécution du présent Traité, se conformeront exactement aux Instructions annexées au dit Traité sub litera B, en tout ce qui se rapporte aux formalités de la visite et de l'arrestation, ainsi qu'aux mesures à prendre pour que les bateaux soupçonnés d'avoir été employés à la Traite, soient livrés aux Tribunaux compétents.

Les Hautes Parties Contractantes, se réservent le droit d'apporter à ces Instructions, d'un commun accord, telles modifications que les circonstances pourraient rendre nécessaires.

Les croiseurs des Hautes Parties Contractantes se préteront mutuellement assistance dans toutes les

all cases where it may be useful that they should act in concert.

**ARTICLE VI.** Whenever a merchant vessel, sailing under the flag of one of the High Contracting Parties, shall have been detained by a cruiser of the other, duly authorized to that effect, conformably to the provisions of the present Treaty, such merchant vessel, as well as the master, the crew, the cargo, and the Slaves who may be on board, shall be brought into such place as the High Contracting Parties shall have respectively designated for that purpose, and they shall be delivered over to the authorities appointed with that view by the Government within whose possessions such place is situated, in order that proceedings may be had with respect to them before the competent Tribunals, in the manner hereafter specified.

When the commander of the cruiser shall not think fit to undertake himself the bringing in and the delivery up of the detained vessel, he shall entrust that duty to an officer of the rank of lieutenant in the Royal or Imperial Navy, or at least to the officer who shall at the time be the third in authority on board the detaining ship.

**ARTICLE VII.** If the commander of a cruiser of one of the High Contracting Parties should have reason to suspect that a merchant vessel sailing under the convoy of, or in company with, a ship of war of one of the other Contracting Parties, has been engaged in the Slave Trade, or has been fitted out for that Trade, he shall make known his suspicions to the commander of the ship of war, who shall proceed alone to search the suspected vessel; and in case the last-mentioned commander should ascertain that the suspicion is well founded, he shall

circumstances où il pourra être utile qu'ils agissent de concert.

**ARTICLE VI.** Toutes les fois qu'un bâtiment de commerce naviguant sous le pavillon de l'une des Hautes Parties Contractantes, aura été arrêté par un croiseur de l'autre, dûment autorisé à cet effet, conformément aux dispositions du présent Traité, ce bâtiment marchand, ainsi que le capitaine, l'équipage, la cargaison, et les Esclaves qui pourront se trouver à bord, seront conduits dans tel lieu que les Hautes Parties Contractantes auront respectivement désigné à cet effet ; et le remise en sera faite aux autorités préposées dans ce but par le Gouvernement dans les possessions duquel ce lieu est situé, afin qu'il soit procédé à leur égard devant les Tribunaux compétents, de la manière ci-après spécifiée.

Lorsque le commandant du croiseur ne croira pas devoir se charger lui-même de la conduite et de la remise du navire arrêté, il confiera ce soin à un officier du rang de lieutenant dans la Marine Royale ou Impériale, ou pour le moins à l'officier qui sera actuellement le troisième en autorité à bord du bâtiment qui aura fait l'arrestation.

**ARTICLE VII.** Si le commandant d'un croiseur de l'une des Hautes Parties Contractantes à lieu de soupçonner qu'un navire marchand naviguant sous le convoi ou en compagnie d'un bâtiment de guerre de l'une des autres Parties Contractantes, s'est livré à la Traite des Nègres, ou a été équipée pour ce Trafic, il devra communiquer ses soupçons au commandant du bâtiment de guerre, lequel procédera seul à la visite du navire suspect ; et dans le cas où le susdit commandant reconnaîtrait que le soupçon est fondé, il fera conduire le navire, ainsi que le cap-

cause the vessel, as well as the master, the crew, the cargo, and the Slaves who may be on board, to be taken into a port belonging to the nation of the detained vessel, to be there proceeded against before the competent Tribunals, in the manner hereafter directed.

**ARTICLE VIII.** As soon as a merchant vessel, detained, and sent in for adjudication, shall arrive at the port to which she is to be carried in conformity with Annex B to the present Treaty, the commander of the cruiser which shall have detained her, or the officer appointed to bring her in, shall deliver to the authorities appointed for that purpose, a copy, signed by himself, of all the lists, declarations, and other documents specified in the Instructions annexed to the present Treaty, under letter B; and the said authorities shall proceed, in consequence, to the search of the detained vessel and of her cargo, as also to an inspection of her crew, and of the Slaves who may be on board, after having previously given notice of the time of such search and inspection, to the commander of the cruiser, or to the officer who shall have brought in the vessel, in order that he, or some person whom he may appoint to represent him, may be present therat.

A minute of these proceedings shall be drawn up in duplicate, which shall be signed by the persons who shall have taken part in, or who shall have been present at, the same; and one of those documents shall be delivered to the commander of the cruiser, or to the officer appointed by him to bring in the detained vessel.

**ARTICLE IX.** Every merchant vessel of any one or other of the Five Nations, which shall be searched and detained in virtue of the provisions of the present

taïne, l'équipage, la cargaison, et les Esclaves qui pourront se trouver à bord, dans un port appartenant à la nation du bâtiment arrêté, pour qu'il y soit procédé devant les Tribunaux compétens, de la manière ci-après ordonnée.

**ARTICLE VIII.** Dès qu'un bâtiment de commerce, arrêté, et renvoyé pour être jugé, arrivera dans le port où il devra être conduit conformément à l'Annexe B du présent Traité, le commandant du croiseur qui l'aura arrêté, ou l'officier chargé de sa conduite, remettra aux autorités préposées à cet effet, une expédition signée par lui, de tous les inventaires, déclarations, et autres documens spécifiés dans les Instructions jointes au présent Traité, sub litera B; et les dites autorités procéderont, en conséquence, à la visite du bâtiment arrêté et de sa cargaison, ainsi qu'à l'inspection de son équipage, et des Esclaves qui pourront se trouver à bord, après avoir préalablement donné avis du moment de cette visite et de cette inspection, au commandant du croiseur, ou à l'officier qui aura amené le navire, afin qu'il puisse y assister, ou s'y faire représenter.

Il sera dressé par duplicita, un procès-verbal de ces opérations, lequel devra être signé par les personnes qui y auront procédé ou assisté; et l'un de ces documens sera délivré au commandant du croiseur, ou à l'officier chargé par lui de la conduite du bâtiment arrêté.

**ARTICLE IX.** Tout bâtiment de commerce de l'une ou l'autre des Cinq Nations, visité et arrêté en vertu des dispositions du présent Traité, sera présumé, à

Treaty, shall, unless proof be given to the contrary, be deemed to have been engaged in the Slave Trade, or to have been fitted out for that Traffic, if in the fitting, in the equipment, or on board the said vessel during the voyage in which she was detained, there shall be found to have been one of the articles hereafter specified, that is to say :—

*First.* Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

*Secondly.* Divisions or bulk-heads, in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

*Thirdly.* Spare plank fitted for being laid down as a second or Slave-deck.

*Fourthly.* Shackles, bolts, or hand-cuffs.

*Fifthly.* A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of such merchant vessel.

*Sixthly.* An extraordinary number of water-casks, or of other receptacles for holding liquid; unless the master shall produce a certificate from the Custom-house at the place from which he cleared outwards, stating that sufficient security had been given by the owners of such vessel, that such extra number of casks or of other receptacles should only be used to hold palm-oil, or for other purposes of lawful commerce.

*Seventhly.* A greater quantity of mess-tubs or kids, than are requisite for the use of the crew of such merchant vessel.

*Eighthly.* A boiler, or other cooking apparatus, of an unusual size, and larger, or capable of being made larger, than requisite for the use of the crew of such

meins de preuve contrarie, s'etant livre à la Traite des Nègres, ou avoir été équipt pour ce Traffic, et dans l'installation, dans l'armement, ou à bord du dit navire durant la traversée pendant laquelle il a été arrêté, il s'est trouvé l'un des objets ci-après spécifiés, savoir :—

1°. Des écoutilles ou treillis, et non en planches entières comme les portent ordinairement les navires de commerce.

2°. Un plus grand nombre de compartimens dans l'entre pont ou sur le tillac que ne l'exigent les besoins des bâtimens employés à un commerce licite.

3°. Des planches de réserve préparées pour établir un double pont, ou un pont dit à Escalves.

4°. Des colliers de fer, des chevilles, ou des menottes.

5°. Une plus grande provision d'eau, en barriques ou en réservoirs, que ne l'exigent les besoins de l'équipage de ce bâtimen marchand.

6°. Une quantité extraordinaire de barriques à eau ou autres vaisseaux propres à contenir des liquides; à moins que le capitaine ne produise un certificat de la denesse du lieu du départ, constatant que les armateurs du dit bâtimen ont donné des garanties suffisantes, que cette quantité extraordinaire de barriques ou de vaisseaux est uniquement destinée à être remplie d'huile de palme, ou employée à un autre commerce licite.

7°. Un plus grand nombre de gamelles ou de bidons que l'usage de l'équipage de ce bâtimen marchand n'en exige.

8°. Une chaudière ou autre ustensile, d'une dimension insuffisante pour apprêter les provisions de bouche, et plus grande, ou proposée à être rendue plus grande, que ne

merchant vessel; or more than one boiler, or other cooking apparatus, of the ordinary size.

*Ninthly.* An extraordinary quantity of rice, of the *fleur* of Brazil, manioc, or cassada, commonly called farina, or of maize, or of Indian corn, or of any other article of food whatever, beyond the probable wants of the crew; unless such quantity of rice, farina, maize, Indian corn, or any other article of food, should be entered on the manifest, as forming part of the trading cargo of the vessel.

*Tenthly.* A quantity of mats or matting, greater than is necessary for the use of such merchant vessel, unless such mats or matting be entered on the manifest, as forming part of the cargo.

If it is established that one or more of the articles above specified, are on board, or have been on board during the voyage in which the vessel was captured, that fact shall be considered as *prima facie* evidence that the vessel was employed in the Traffic; she shall in consequence be condemned, and declared lawful prize, unless the master or the owners shall furnish clear and incontrovertible evidence, proving to the satisfaction of the Tribunal, that at the time of her detention or capture, the vessel was employed in a lawful undertaking; and that such of the different articles above specified, as were found on board at the time of detention, or which might have been embarked during the voyage on which she was engaged when she was captured, were indispensable for the accomplishment of the lawful object of her voyage.

ARTICLE X. Proceedings shall

l'exigent les besoins de l'équipage de ce bâtiment marchand; ou plus d'une chaudière, ou autre appareil de cuisine, de dimension ordinaire.

9°. Une quantité extraordinaire de riz, de farine du manioc du Brésil, ou de cassade, appelées communément "farina," ou de maïs, ou de blé des Indes, ou de toute autre provision de bouche quelconque, au-delà des besoins probables de l'équipage; à moins que cette quantité de riz, de farina, de maïs, de blé des Indes, ou de toute autre provision de bouche, ne soit portée sur le manifeste, comme faisant partie du chargement commercial du navire.

10°. Une quantité de nattes, en pièce ou en morceaux, plus considérable que ne l'exigent les besoins de ce bâtiment marchand; à moins que ces nattes ne soient portées sur le manifeste, comme faisant partie de la cargaison.

S'il est constaté qu'un ou plusieurs des objets ci-dessus spécifiés se trouvent à bord ou y ont été durant la traversée pendant laquelle le bâtiment a été capturé, ce fait sera considéré comme une preuve *prima facie* que le bâtiment était employé à la Traite; en conséquence il sera condamné et déclaré de bonne prise; à moins que le capitaine ou les armateurs ne fournissent des preuves claires et irrécusables, constatant à la satisfaction du Tribunal, qu'au moment de son arrestation ou capture, le navire était employé à une entreprise licite, et que ceux des différents objets ci-dessus dénommés trouvés à bord lors de l'arrestation, ou qui auraient été placés à bord pendant la traversée qu'il faisait lorsqu'il a été capturé, étaient indispensables pour accomplir l'objet licite de son voyage.

ARTICLE X. Il sera procédé

be immediately taken against the vessel detained, as above stated, her master, her crew, and her cargo, before the competent Tribunals of the country to which she belongs; and they shall be tried and adjudged according to the established forms and laws in force in that country; and if it results from the proceedings, that the said vessel was employed in the Slave Trade, or fitted out for that Traffic, the vessel, her fittings, and her cargo of merchandise, shall be confiscated; and the master, the crew, and their accomplices, shall be dealt with, conformably to the laws by which they shall have been tried.

In case of confiscation, the proceeds of the sale of the aforesaid vessel shall, within the space of six months, reckoning from the date of the sale, be placed at the disposal of the Government of the country to which the ship which made the capture belongs, in order to be employed in conformity with the laws of that country.

**ARTICLE XI.** If any one of the articles specified in Article IX of the present Treaty is found on board a merchant-vessel, or if it is proved to have been on board of her during the voyage in which she was captured, no compensation for losses, damages, or expenses consequent upon the detention of such vessel, shall in any case be granted, either to the master, or to the owner, or to any other person interested in the equipment or in the lading, even though a sentence of condemnation should not have been pronounced against the vessel, as a consequence of her detention.

**ARTICLE XII.** In all cases in which a vessel shall have been detained in conformity with the present Treaty, as having been employed in the Slave Trade, or

immédiatement contre le bâtiment arrêté, ainsi qu'il est dit ci-dessus, son capitaine, son équipage, et sa cargaison, par devant les Tribunaux compétens du pays auquel il appartient, et ils seront jugés et adjugés suivant les formes établies et les lois en vigueur dans ce pays; et s'il résulte de la procédure, que le dit bâtiment a été employé à la Traite des Nègres, ou équipé pour ce Trafic, le navire, son équipement et sa cargaison de marchandise, seront confisqués; et il sera statué sur le sort du capitaine, de l'équipage, et de leurs complices, conformément aux lois d'après lesquelles ils auront été jugés.

En cas de confiscation, le produit de la vente du susdit bâtiment sera, dans l'espace de six mois, à compter de la date de la vente, mis à la disposition du Gouvernement du pays auquel appartient le bâtiment qui a fait la prise, pour être employé conformément aux lois du pays.

**ARTICLE XI.** Si l'un des objets spécifiés dans l'Article IX du présent Traité est trouvé à bord d'un bâtiment marchand, ou s'il est constaté qu'il y a été durant la traversée pendant laquelle il a été capturé, nulle compensation des pertes, dommages, ou dépenses résultant de l'arrestation de ce bâtiment, ne sera dans aucun cas accordé, soit au capitaine, soit à l'armateur, soit à toute autre personne intéressée dans l'armement ou dans le chargement, alors même qu'une sentence de condamnation n'aurait pas été prononcée contre le bâtiment, en suite de son arrestation.

**ARTICLE XII.** Toutes les fois qu'un bâtiment aura été arrêté conformément au présent Traité, comme ayant été employé à la Traite des Nègres, ou équipé pour ce

fitted out for that Traffic, and shall, in consequence, have been tried and confiscated, the Government of the cruiser which shall have made the capture, or the Government whose Tribunal shall have condemned the vessel, may purchase the condemned vessel for the service of its Royal Navy, at the price fixed by a competent person, selected for that purpose by the said Tribunal. The Government whose cruiser shall have made the capture shall have a right of preference in the purchase of the vessel. But if the condemned vessel should not be purchased in the manner above pointed out, she shall be wholly broken up immediately after the sentence of confiscation, and sold in separate portions after having been broken up.

**ARTICLE XIII.** When by the sentence of the competent Tribunal, it shall have been ascertained that a merchant vessel, detained in virtue of the present Treaty, was not engaged in the Slave Trade, and was not fitted out for that Traffic, she shall be restored to the lawful owner or owners. And if, in the course of the proceedings, it should have been proved that the vessel was searched and detained illegally, or without sufficient cause of suspicion; or that the search and detention were attended with abuse or vexation, the commander of the cruiser, or the officer who shall have boarded the said vessel, or the officer who shall have been entrusted with bringing her in, and under whose authority, according to the nature of the case, the abuse or vexation shall have occurred, shall be liable in costs and damages, to the master and the owners of the vessel and of the cargo.

These costs and damages may be awarded by the Tribunal before which the proceedings against the

Traffic, et qu'il aura été jugé et confisqué en conséquence, le Gouvernement du croiseur que aura fait la prise, ou le Gouvernement dont le Tribunal aura condamné le bâtiment, pourra acheter le vaisseau condamné pour le service de sa Marine Militaire, au prix fixé par une personne capable, choisie à cet effet par le dit Tribunal. Le Gouvernement dont le croiseur aura fait la capture aura un droit de préférence pour l'acquisition du bâtiment. Mais si le vaisseau condamné n'a pas été acheté de la manière ci-dessus indiquée, il sera totalement démolí, immédiatement après la sentence de confiscation, et vendu par parties après avoir été démolí.

**ARTICLE XIII.** Lorsque par la sentence du Tribunal compétent, il aura été reconnu qu'un bâtiment de commerce arrêté en vertu du présent Traité, ne s'est point livré à la Traite des Nègres, et n'a point été équipé pour ce Traffic, il sera restitué à l'armateur, ou aux armateurs, propriétaires légitimes. Et si dans le cours de la procédure il venait à être prouvé que le navire a été visité et arrêté illégalement, ou sans motif suffisant de suspicion; ou que la visite et l'arrestation ont été accompagnées d'abus ou de vexations, le commandant du croiseur, ou l'officier qui aura abordé le dit navire, ou celui à qui la conduite en aura été confiée, et sous l'autorité duquel, selon la nature du cas, l'abus ou la vexation aura eu lieu, sera passible de dommages et intérêts envers le capitaine et les propriétaires du bâtiment et de la cargaison.

Ces dommages et intérêts pourront être prononcés par le Tribunal devant lequel aura été instruite

detained vessel, her master, crew, and cargo, shall have been instituted; and the Government of the country to which the officer who shall have given occasion for such award shall belong, shall pay the amount of the said costs and damages, within the period of six months from the date of the sentence, when the sentence shall have been pronounced by a Tribunal sitting in Europe; and within the period of one year, when the trial shall have taken place out of Europe.

**ARTICLE XIV.** When in the search or detention of a merchant-vessel effected in virtue of the present Treaty, any abuse or vexation shall have been committed, and when the vessel shall not have been delivered over to the jurisdiction of her own nation, the master shall make a declaration, upon oath, of the abuses or vexations of which he shall have to complain, as well as of the costs and damages to which he shall lay claim; and such declaration shall be made by him before the competent authorities of the first port of his own country at which he shall arrive, or before the Consular Agent of his own nation at a foreign port, if the vessel shall in the first instance touch at a foreign port where there is such an Agent.

This declaration shall be verified by means of an examination, upon oath, of the principal persons amongst the crew or the passengers who shall have witnessed the search or detention; and a formal statement of the whole shall be drawn up, two copies whereof shall be delivered to the master, who shall forward one of them to his Government, in support of his claim for costs and damages.

It is understood, that if any circumstance beyond control shall prevent the master from making

la procédure contre le navire arrêté son capitaine, son équipage, et sa cargaison; et le Gouvernement du pays auquel appartiendra l'officier qui aura donné lieu à cette condamnation, devra payer le montant des dits dommages et intérêts dans le délai de six mois à partir de la date du jugement, lorsque ce jugement aura été rendu par un Tribunal siégeant en Europe; et dans le délai d'une année lorsque la procédure judiciaire aura eu lieu hors de l'Europe.

**ARTICLE XIV.** Lorsque dans la visite ou l'arrestation d'un bâtiment de commerce, opérée en vertu du présent Traité, il aura été commis quelque abus ou vexation, et que le navire n'aura pas été livré à la juridiction de sa nation, le capitaine devra faire, sous serment, la déclaration des abus ou vexations dont il aura à se plaindre, ainsi que des dommages et intérêts auxquels il prétendra; et cette déclaration devra être faite par lui devant les autorités compétentes du premier port de son pays où il arrivera, ou devant l'Agent Consulaire de sa nation, dans un port étranger, si le navire aborde au premier lieu dans un port étranger où il existe un tel Agent.

Cette déclaration devra être vérifiée au moyen de l'interrogatoire sous serment, des hommes principaux de l'équipage ou des passagers qui auront été témoins de la visite ou de l'arrestation; et il sera dressé du tout un procès-verbal dont deux expéditions seront remises au capitaine, qui devra faire parvenir une à son Gouvernement à l'appui de sa demande de dommages et intérêts.

Il est entendu, que si un cas de force majeure empêche le capitaine de faire sa déclaration, celle-ci

his declaration; it may be made by the owner of the vessel, or by any other person interested in the equipment or in the lading of the vessel.

On a copy of the formal statement above mentioned being officially transmitted to it, the Government of the country to which the officer to whom the abuses or vexations shall be imputed, shall belong, shall forthwith institute an inquiry; and if the validity of the complaint shall be ascertained, that Government shall cause to be paid to the master or the owner, or to any other person interested in the equipment or lading of the molested vessel, the amount of costs and damages which shall be due to him.

**ARTICLE XV.** The High Contracting Parties engage reciprocally to communicate to each other, when asked to do so, and without expense, copies of the proceedings instituted, and of the judgments given, relative to vessels searched or detained in execution of the provisions of this Treaty.

**ARTICLE XVI.** The High Contracting Parties agree to ensure the immediate freedom of all the Slaves who shall be found on board vessels detained and condemned in virtue of the stipulations of the present Treaty.

**ARTICLE XVII.** The High Contracting Parties agree to invite the Maritime Powers of Europe which have not yet concluded Treaties for the abolition of the Slave Trade, to accede to the present Treaty.

**ARTICLE XVIII.** The Acts or Instruments annexed to the present Treaty, and which it is mutually agreed to consider as forming an integral part thereof, are the following:—

A. Forms of Warrants of authorization, and of Orders for the

peurra être faite par le propriétaire du navire, ou par toute autre personne intéressée dans l'armement ou dans le chargement du navire.

Sur la transmission officielle d'une expédition du procès-verbal ci-dessus mentionné, le Gouvernement du pays auquel appartiendra l'officier à qui des abus ou vexations seront imputés, fera immédiatement procéder à une enquête; et si la validité de la plainte est reconnue, ce Gouvernement fera payer au capitaine ou au propriétaire, ou à toute autre personne intéressée dans l'armement ou chargement du navire molesté, le montant des dommages et intérêts qui lui seront dus.

**ARTICLE XV.** Les Hautes Parties Contractantes s'engagent à se communiquer réciproquement, sur une demande à cet effet et sans frais, copies des procédures intentées, et des jugemens prononcés, relativement à des bâtimens visités ou arrêtés en exécution des dispositions du présent Traité.

**ARTICLE XVI.** Les Hautes Parties Contractantes conviennent d'assurer la liberté immédiate de tous les Esclaves qui seront trouvés à bord des bâtimens arrêtés et condamnés en vertu des stipulations du présent Traité.

**ARTICLE XVII.** Les Hantes Parties Contractantes conviennent d'inviter les Puissances Maritimes de l'Europe qui n'ont pas encore conclu de Traité pour l'abolition de la Traite des Nègres, à accéder au présent Traité.

**ARTICLE XVIII.** Les Actes ou Instrumens annexés au présent Traité, et qu'il est mutuellement convenu de considérer comme en faisant partie intégrante, sont les suivans:—

A. Formules des Mandats d'autorisation, et d'Ordres pour guider

guidance of the cruizers of each nation, in the searches and detentions to be made in virtue of the present Treaty.

B. Instructions for the cruizers of the Naval Forces employed in virtue of the present Treaty, for the suppression of the Slave Trade.

**ARTICLE XIX.** The present Treaty, consisting of nineteen Articles, shall be ratified, and the ratifications thereof shall be exchanged at London at the expiration of two months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, in English and French, and have thereunto affixed the seal of their arms.

Done at London, the twentieth day of December, in the year of our Lord one thousand eight hundred and forty-one.

(L.S.)	ABERDEEN.
(L.S.)	KOLLER.
(L.S.)	STE. AULAIRES.
(L.S.)	SCHLEINITZ.
(L.S.)	BRUNNOW.

(L.S.)	ABERDEEN.
(L.S.)	KOLLER.
(L.S.)	STE. AULAIRES.
(L.S.)	SCHLEINITZ.
(L.S.)	BRUNNOW.

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*Annex A to the Treaty between Great Britain, Austria, France, Prussia, and Russia, for the suppression of the African Slave Trade, signed at London, the 20th of December, 1841.*

#### *Form I.*

Warrants, in virtue of which a cruiser of one of the High Contracting Parties to this Treaty may visit and detain a merchant-vessel belonging to, or bearing the flag of, another of the High Contracting Parties, and suspected of being engaged in the Slave Trade, or of being fitted out for that Traffic.

les croiseurs de chaque nation, dans les visites et arrestations à faire en vertu du présent Traité.

B. Instructions pour les croiseurs des Forces Navales employés en vertu du présent Traité pour la suppression de la Traite des Nègres.

**ARTICLE XIX.** Le présent Traité, consistant en dix-neuf Articles, sera ratifié, et les ratifications en seront échangées à Londres à l'expiration de deux mois, à compter de ce jour, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Traité, en texte Anglais et Français, et y ont apposé le sceau de leurs armes.

Fait à Londres, le vingt Décembre, l'an de Grâce mil huit cent quarante et un.

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*Annexe A au Traité entre la Grande Bretagne, l'Autriche, la France, la Prusse, et la Russie, pour la suppression de la Traite des Nègres d'Afrique, signé à Londres, le 20 Décembre, 1841.*

#### *1ère. Formule.*

Mandats, en vertu desquels un croiseur d'une des Hautes Parties Contractantes pourra visiter et arrêter un navire de commerce appartenant à une autre des Hautes Parties Contractantes, ou naviguant sous son pavillon, et saisié de se livrer à la Traite des Nègres, ou d'être équipé pour ce Trafic.

Whereas, by a Treaty concluded between Great Britain, Austria, France, Prussia, and Russia, signed at London, on the twentieth of December, 1841, for the total suppression of the African Slave Trade, it was stipulated that certain cruisers belonging to the said countries respectively, should be instructed to visit and detain, within particular limits, merchant-vessels of the other Contracting Parties engaged in the Traffic in Slaves, or suspected of being fitted out for that Traffic; and whereas the Government of has thought fit that the vessel you command shall be one of the cruisers furnished with the said special Instructions, you will accordingly receive Instructions from the said Government for your guidance on the said service: you are therefore authorized, by virtue of those Instructions, and of the present Warrant, to visit merchant-vessels under the flag, suspected of being engaged in the Traffic in Slaves, within the limits set forth in the 2nd Article of the said Treaty, and to deal with such vessels as shall have engaged in the Slave Trade, or shall be suspected of being fitted out for that Traffic, as pointed out in the said Treaty, and in the Instructions thereunto annexed.

Given under our hands and the seal of the office of the day of

To the Commander of the

Le Traité conclu entre la Grande Bretagne, l'Autriche, la France, la Prusse, et la Russie, signé à Londres, le vingt Décembre, 1841, pour la suppression totale de la Traite des Nègres d'Afrique, ayant stipulé que des croiseurs appartenant à l'une ou l'autre des dites Puissances seraient autorisés à visiter et à arrêter dans l'étendue de limites déterminées les navires de commerce des Hautes Parties Contractantes si livrant à la Traite des Nègres, ou soupçonnés d'être équipés pour ce Trafic; et le Gouvernement ayant jugé convenable d'employer à ce service le bâtiment que vous commandez, et de vous munir d'Instructions spéciales pour vous servir de règles dans le dit service: vous êtes, en vertu de ces Instructions, et du présent Mandat, autorisé à visiter dans les limites indiquées dans l'Article II du dit Traité, les navires de commerce sous pavillon soupçonnés de se livrer à la Traite des Nègres, et à agir à l'égard des navires qui se seront livrés à la Traite des Nègres, ou qui seront soupçonnés d'être équipés pour ce Trafic, selon qu'il est prescrit dans le dit Traité et dans les Instructions qui y sont annexées.

Donné à  
le

Au Commandant de

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*Form II.*

Orders for the guidance of the commander of the cruiser of one of the High Contracting Parties in visiting and detaining a merchant vessel belonging to, or bear-

*IIme. Formule.*

Ordres pour guider le commandant d'un croiseur d'une des Hantes Parties Contractantes en ce qui regarde la visite et l'arrestation d'un navire de commerce

ing the flag of, another of the High Contracting Parties.

appartenant à une autre des Hautes Parties Contractantes, ou naviguant sous son pavillon.

Whereas, by a Treaty concluded between Great Britain, Austria, France, Prussia, and Russia, signed at London on the twentieth of December, 1841, for the total suppression of the African Slave Trade, it was stipulated that certain cruisers belonging to the said countries respectively, shall be authorized, under special Instructions therein mentioned, to visit and detain, within particular limits, merchant-vessels of the other Contracting Parties engaged in the Slave Trade, or suspected of being fitted out for that Traffic: and whereas we think fit that the vessel you command shall be one of the

cruisers furnished with the said special Instructions, we herewith transmit to you a copy of the said Treaty of the 20th of December, and of the Instructions thereunto annexed hereinbefore mentioned; and you are accordingly authorized by virtue of this present order, and of the accompany Warrant from the Government of to visit, within the limits set forth in the 2nd Article of the said Treaty, merchant-vessels under the

flag, suspected of being engaged in the Slave Trade, and to deal with such vessels as shall have engaged in that Traffic, or shall be suspected of being fitted out for that Traffic, in the manner pointed out in the said Treaty, Warrant, and Instructions; and we charge and require you to conform most strictly to all the provisions and stipulations contained therein, taking care to exercise the authority so conferred upon you in the mildest manner, and with every attention which is due between allied and friendly

*Le Traité conclu entre la Grande Bretagne, l'Autriche, la France, la Prusse, et la Russie, signé à Londres le vingt Décembre, 1841, pour la suppression totale de la Traite des Nègres d'Afrique, ayant stipulé que des croiseurs appartenant à l'une ou l'autre des dites Puissances seront autorisés par les Instructions spéciales y mentionnées, à visiter et à arrêter dans l'étendue de limites fixes, les navires de commerce des autres Parties Contractantes se livrant à la Traite des Nègres, ou soupçonnés d'être équipés pour ce Trafic: et le Gouvernement ayant jugé convenable d'employer à ce service le bâtimant que vous commandez, et de vous munir des dites Instructions spéciales, nous vous envoyons ci-joint, copie du dit Traité du 20 Décembre, et des Instructions y annexées, ci-dessus mentionnées; conséquemment, et en vertu du présent Ordre et du Mandat ci-joint du Gouvernement de vous être autorisé à visiter dans les limites indiquées dans l'Article II du dit Traité, les navires de commerce naviguant sous pavillon*

*soupçonnés de se livrer à la Traite des Nègres, et à agir à l'égard de ceux de ces navires qui se seront livrés à cette Traite, ou qui seront soupçonnés d'être équipés pour ce Trafic, ainsi qu'il est indiqué dans le dit Traité, le dit Mandat, et les dites Instructions; et nous vous chargeons et requérons de vous conformer très-strictement à toutes les dispositions et stipulations y contenues, ayant soin d'exercer l'autorité dont vous êtes investi, de la manière la plus douce, et avec tous les égards que se doivent des nations alliées et amies, et de coopérer cordialement*

*nations, and to co-operate cordially with the commanders of any vessels of war employed in the same service.*

*Given under our hands, and the seal of the office of*

*To the Commander of the*

*avec les commandans de tout bâtimen-  
t de guerre  
employé au même service.*

*Donné à  
le*

*Au Commandant de*

These forms of Warrants and Orders shall be annexed to the Treaty signed this day between Great Britain, Austria, France, Prussia, and Russia, for the suppression of African Slave Trade, and shall be considered as an integral part of that Treaty.

In witness whereof the Plenipotentiaries of the High Contracting Parties have signed this Annex, and have thereunto affixed the seal of their arms.

Done at London, the twentieth day of December, in the year of our Lord one thousand eight hundred and forty-one.

(L.S.) ABERDEEN.  
(L.S.) KOLLER.  
(L.S.) STE. AULAIRE.  
(L.S.) SCHLEINITZ.  
(L.S.) BRUNNOW.

Les présentes formules de Mandats et d'Ordres seront annexées au Traité signé aujourd'hui entre la Grande Bretagne, l'Autriche, la France, la Prusse, et la Russie, pour la suppression de la Traite des Nègres d'Afrique, et seront considérées comme faisant partie intégrante de ce Traité.

En foi de quoi les Plénipotentiaires des Hautes Parties Contractantes ont signé cette Annexe, et y ont apposé le sceau de leurs armes.

Fait à Londres, le vingt Décembre, l'an de Grâce mil huit cent quarante et un.

(L.S.) ABERDEEN.  
(L.S.) KOLLER.  
(L.S.) STE. AULAIRE.  
(L.S.) SCHLEINITZ.  
(L.S.) BRUNNOW.

*Annex B to the Treaty between Great Britain, Austria, France, Prussia, and Russia, for the suppression of the African Slave Trade, signed at London, the 20th of December, 1841.*

#### *Instructions to Cruizers.*

*First.* Whenever a merchant vessel belonging to, or bearing the flag of, any one of the High Contracting Parties shall be visited by a cruizer of any one of the

*Annexe B au Traité entre la Grande Bretagne, l'Autriche, la France, la Prusse, et la Russie, pour la suppression de la Traite des Nègres d'Afrique, signé à Londres, le 20 Décembre, 1841.*

#### *Instructions pour les Croiseurs.*

1°. Toutes les fois qu'un navire de commerce appartenant à l'une des Hautes Parties Contractantes, ou naviguant sous son pavillon, sera visité par un croiseur de l'une

other High Contracting Parties, the officer commanding the cruiser shall, before he proceeds to the visit, exhibit to the master of such vessel, the Special Orders which confer upon him by exception the right to visit her; and he shall deliver to such master a certificate, signed by himself, specifying his rank in the Navy of his country, and the name of the ship which he commands, and declaring that the only object of his visit is to ascertain whether the vessel is engaged in the Slave Trade, or is fitted out for the purpose of such Traffic, or has been engaged in that Traffic during the voyage in which she has been met with by the said cruiser. When the visit is made by an officer of the cruiser other than her commander, such officer shall not be under the rank of Lieutenant in the Navy; unless he be the officer who at the time, is second in command of the ship by which the visit is made; and in this case, such officer shall exhibit to the master of the merchant vessel a copy of the Special Orders above mentioned, signed by the commander of the cruiser; and shall likewise deliver to such master a certificate, signed by himself, specifying the rank which he holds in the Navy of his country, the name of the commander under whose orders he is acting, the name of the cruiser to which he belongs, and the object of his visit, as hereinbefore recited.

If it shall be ascertained by the visit that the ship's papers are regular, and her proceedings lawful, the officer shall certify upon the log-book of the vessel, that the visit took place in virtue of the Special Orders above mentioned: and when these formalities shall have been completed, the vessel shall be permitted to continue her course.

des autres Hautes Parties Contractantes, l'officier commandant le croiseur, avant de procéder à la visite, exhibera au capitaine de ce navire les Ordres Spéciaux qui lui confèrent le droit exceptionnel de le visiter; et il remettra au dit capitaine un certificat, signé de lui, indiquant son rang dans la Marine Militaire de son pays, ainsi que le nom du bâtiment qu'il commande, et attestant que le seul but de sa visite est de s'assurer si le navire se livre à la Traite des Nègres, ou s'il est équipé pour ce Trafic, ou s'il a été employé à cette Traite durant la traversée pendant laquelle il a été rencontré par le dit croiseur. Lorsque la visite est faite par un officier du croiseur autre que celui qui le commande, cet officier devra avoir le grade de Lieutenant dans la Marine Militaire, ou au moins être actuellement le second en rang à bord du navire qui fait la visite; dans ce cas, le dit officier exhibera au capitaine du navire marchand une copie des Ordres Spéciaux dont il est fait mention ci-dessus, signée par le commandant du croiseur, et remettra en outre une déclaration signée par lui-même, indiquant le rang qu'il occupe dans la Marine Militaire de son pays, le nom du commandant sous les ordres duquel il agit, le nom du croiseur auquel il appartient, et le but de la visite, ainsi qu'il est dit ci-dessus.

Si cette visite constate que les papiers de bord du navire sont en règle, et ses opérations licites, l'officier inscrira sur le journal de bord, que la visite a eu lieu en vertu des Ordres Spéciaux dont il est fait mention ci-dessus: et lorsque ces formalités auront été accomplies, le navire sera libre de continuer sa route.

*Secondly.—If in consequence of the visit, the officer commanding the cruiser shall be of opinion, that there are sufficient grounds for believing that the vessel is engaged in the Slave Trade, or has been fitted out for that Traffic, or has been engaged in that Traffic during the voyage in which she is met with by the cruiser; and if he shall in consequence determine to detain her, and to have her delivered up to the jurisdiction of the competent authorities, he shall forthwith cause a list to be made out, in duplicate, of all the papers found on board, and he shall sign this list and the duplicate, adding, after his own name, his rank in the navy, and the name of the vessel under his command.*

*He shall in like manner make out and sign, in duplicate, a declaration, stating the place and time of the detention, the name of the vessel, and that of her master, the names of the persons composing her crew, and the number and condition of the Slaves found on board.*

*This declaration shall further contain an exact description of the state of the vessel and of her cargo.*

*Thirdly.—The commander of the cruiser shall, without delay, carry or send the detained vessel, with her master, crew, passengers, cargo, and the Slaves found on board, to one of the ports hereinafter specified, in order that proceedings may be instituted in regard to them, conformably to the laws of the country under whose flag the vessel is sailing; and he shall deliver the same to the competent authorities, or to the persons who shall have been specially appointed for that purpose by the Government to whom such port shall belong.*

*Fourthly.—No person whatever*

*2°. Si d'après le résultat de la visite, l'officier commandant le croiseur juge qu'il y a motifs suffisants de supposer que le navire se livre à la Traite des Nègres, ou qu'il a été équipé pour ce Trafic, ou qu'il s'était livré à ce Trafic durant la traversée pendant laquelle il a été rencontré par le croiseur, et s'il se décide, en conséquence, à l'arrêter, et à le faire soumettre au jugement de l'autorité compétente, il fera dresser sur-le-champ, par duplicita, l'inventaire de tous les papiers trouvés à bord, et signera cet inventaire en double, ajoutant à son nom son rang dans la Marine Militaire, ainsi que le nom du bâtiment qu'il commande.*

*Il dressera et signera de la même manière, par duplicita, un procès-verbal constatant l'époque et le lieu de l'arrestation, le nom du navire, celui de son capitaine, et ceux des hommes de son équipage, ainsi que le nombre et l'état des Esclaves trouvés à bord.*

*Ce procès-verbal devra en outre contenir une description exacte de l'état du navire et de sa cargaison.*

*3°. Le commandant du croiseur conduira ou enverra sans délai le navire arrêté, ainsi que son capitaine, son équipage, ses passagers, sa cargaison, et les Esclaves trouvés à son bord, à l'un des ports ci-après spécifiés, pour qu'il soit procédé à leur égard, conformément aux lois du pays dont le navire porte le pavillon; et il en fera la remise aux autorités compétentes, ou aux personnes qui auront été spécialement préposées à cet effet par le Gouvernement à qui appartiendra le dit port.*

*4°. Nul individu ne devra être*

shall be taken out of the detained vessel; nor shall any part of her cargo, nor any of the Slaves found on board, be removed from her, until after such vessel shall have been delivered over to the authorities of her own nation; unless the removal of the whole or part of the crew, or of the Slaves found on board, shall be deemed necessary, either for the preservation of their lives, or from any other consideration of humanity, or for the safety of the persons who shall be charged with the navigation of the vessel after her detention. In any such case, the commander of the cruiser, or the officer appointed to bring in the detained vessel, shall make a declaration of such removal, in which he shall specify the reasons for the same; and the masters, sailors, passengers, or Slaves, so removed, shall be carried to the same port as the vessel and her cargo, and they shall be received in the same manner as the vessel, agreeably to the regulations hereinafter set forth.

Provided always, that nothing in this paragraph shall be understood as applying to Slaves found on board of Austrian, Prussian, or Russian vessels; but such Slaves shall be disposed of as is specified in the following paragraphs.

*Fifthly.*—All Austrian vessels which shall be detained on the stations of America, or Africa, by the cruisers of the other Contracting Parties shall be carried and delivered up to the Austrian jurisdiction at Trieste.

But if Slaves shall be found on board any such Austrian vessel at the time of her detention, the vessel shall, in the first instance, be sent to deposit the Slaves to that port to which she would have been taken for adjudication, if she had

distrait du bord du navire arrêté; et il ne sera enlevé non plus aucune partie de sa cargaison, ou des Esclaves trouvés à son bord, jusqu'à ce que le dit navire ait été remis aux autorités de sa propre nation; excepté dans le cas où la translation de la totalité ou d'une partie de l'équipage, ou des Esclaves trouvés à bord, serait jugée nécessaire, soit pour conserver leur vie, ou par toute autre considération d'humanité, soit pour la sûreté de ceux qui seront chargés de la conduite du navire après son arrestation. Dans un tel cas, le commandant du croiseur, ou l'officier chargé de la conduite du bâtiment arrêté, dressera de la dite translation un procès-verbal, dans lequel il en énoncera les motifs; et les capitaines, matelots, passagers, ou Esclaves, ainsi transbordeés, seront conduits dans le même port que le navire et sa cargaison; et leur réception aura lieu de la même manière que celle du navire, conformément aux dispositions ci-après énoncées.

Il est entendu qu'aucune des stipulations du paragraphe ci-dessus ne sera applicable aux Esclaves trouvés à bord de navires Autrichiens, Prussiens, ou Russes; il sera disposé de ces Esclaves conformément aux dispositions contenues dans les paragraphes suivants.

5°. Tous les navires Autrichiens qui seront arrêtés aux stations d'Amérique ou d'Afrique par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Autrichienne à Trieste.

Mais si des Esclaves sont trouvés à bord d'un tel navire Autrichien au moment de son arrestation, le navire sera envoyé d'abord pour déposer les Esclaves dans le port où il aurait été conduit peut-être jugé, s'il avait navigué sous

been sailing under the English or French flag. The vessel shall afterwards be sent on, and shall be delivered up to the Austrian jurisdiction at Trieste, as above stipulated.

All French vessels which shall be detained on the western coast of Africa by cruisers of the other Contracting Parties, shall be carried and delivered up to the French jurisdiction at Goree.

All French vessels which shall be detained on the eastern coast of Africa by the cruisers of the other Contracting Parties, shall be carried and delivered up to the French jurisdiction at the Isle of Bourbon.

All French vessels which shall be detained on the coast of America to the southward of the 10th degree of north latitude, by the cruisers of the other Contracting Parties, shall be carried and delivered up to the French jurisdiction at Cayenne.

All French vessels which shall be detained in the West Indies, or on the coast of America to the northward of the 10th degree of north latitude, by the cruisers of the other Contracting Parties, shall be carried and delivered up to the French jurisdiction at Martinique.

All British vessels which shall be detained on the western coast of Africa by the cruisers of the other Contracting Parties, shall be carried and delivered up to the British jurisdiction at Bathurst on the River Gambia.

All British vessels which shall be detained on the eastern coast of Africa by the cruisers of the other Contracting Parties, shall be carried and delivered up to the British jurisdiction at the Cape of Good Hope.

All British vessels which shall be detained on the coast of America by the cruisers of the other Con-

pavillon Anglais ou Français; le navire sera ensuite envoyé et remis à la juridiction Autrichienne à Trieste, ainsi qu'il a été stipulé ci-dessus.

Tous les navires Français qui seront arrêtés sur la côte occidentale d'Afrique par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Française à Gorée.

Tous les navires Français qui seront arrêtés sur la côte orientale d'Afrique par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Française à l'Île de Bourbon.

Tous les navires Français qui seront arrêtés sur la côte d'Amérique, au sud du 10<sup>e</sup> degré de latitude septentrionale, par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Française à Cayenne.

Tous les navires Français qui seront arrêtés ou dans les Indes Occidentales ou sur la côte d'Amérique au nord du 10<sup>e</sup> degré de latitude septentrionale, par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Française à La Martinique.

Tous les navires Britanniques qui seront arrêtés sur la côte occidentale d'Afrique par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Britannique à Bathurst sur la Rivière de Gambie.

Tous les navires Britanniques qui seront arrêtés sur la côte orientale d'Afrique par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Britannique au Cap de Bonne Espérance.

Tous les navires Britanniques qui seront arrêtés sur la côte d'Amérique par les croiseurs des

tracting Parties, shall be carried and delivered up to the British jurisdiction at the Colony of Demerara, or at Port Royal in Jamaica, according as the commander of the cruiser may think most convenient.

All British vessels which shall be detained in the West Indies by the cruisers of the other Contracting Parties, shall be carried and delivered up to the British jurisdiction at Port Royal in Jamaica.

All Prussian vessels which shall be detained on the stations of America or Africa, by the cruisers of the other Contracting Parties, shall be carried and delivered up to the Prussian jurisdiction at Stettin.

But if Slaves shall be found on board any such Prussian vessel at the time of her detention, the vessel shall, in the first instance, be sent to deposit the Slaves at that port to which she would have been taken for adjudication if she had been sailing under the English or French flag. The vessel shall afterwards be sent on, and shall be delivered up to the Prussian jurisdiction at Stettin, as above stipulated.

All Russian vessels which shall be detained on the stations of America or Africa, by the cruisers of the other Contracting Parties, shall be carried and delivered up to the Russian jurisdiction at Cronstadt or at Reval, according as the season of the year may allow the one or the other of those ports to be reached.

But if Slaves shall be found on board any such Russian vessel at the time of her detention, the vessel shall, in the first instance, be sent to deposit the Slaves at that port to which she would have been taken for adjudication, if she had been sailing under the English or French flag. The vessel shall

autres Parties Contractantes, seront conduits et remis à la juridiction Britannique à la Colonie de Demerarie, ou au Port Royal dans La Jamaïque, selon que le commandant du croiseur le jugera plus convenable.

Tous les navires Britanniques qui seront arrêtés dans les Indes Occidentales par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Britannique au Port Royal dans La Jamaïque.

Tous les navires Prussiens qui seront arrêtés aux stations d'Afrique ou d'Amérique par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Prussienne à Stettin.

Mais si des Esclaves sont trouvés à bord d'un tel navire Prussien au moment de son arrestation, le navire sera envoyé d'abord pour déposer les Esclaves dans le port où il aurait été conduit pour être jugé, s'il avait navigué sous pavillon Anglais ou Français ; le navire sera ensuite envoyé et remis à la juridiction Prussienne à Stettin, ainsi qu'il a été stipulé ci-dessus.

Tous les navires Russes qui seront arrêtés aux stations d'Afrique ou d'Amérique par les croiseurs des autres Parties Contractantes, seront conduits et remis à la juridiction Russe à Cronstadt ou à Reval, selon que la saison permettra au navire d'atteindre l'un ou l'autre de ces ports.

Mais si des Esclaves sont trouvés à bord d'un tel navire Russe au moment de son arrestation, le navire sera envoyé d'abord pour déposer les Esclaves dans le port où il aurait été conduit pour être jugé, s'il avait navigué sous pavillon Anglais ou Français ; le navire sera ensuite envoyé et remis à la

afterwards be sent on, and shall be delivered up to the Russian jurisdiction at Cronstadt or at Reval, as above stipulated.

*Sixthly.* As soon as a merchant vessel, which shall have been detained as aforesaid, shall arrive at one of the ports or places above mentioned, the commander of the cruiser, or the officer appointed to bring in such detained vessel, shall forthwith deliver to the authorities duly appointed for that purpose by the Government within whose territory such port or place shall be, the vessel and her cargo, together with the master, crew, passengers, and Slaves found on board, and also the papers which shall have been seized on board the vessel, and one of the duplicate lists of the said papers, retaining the other in his own possession. Such officer shall, at the same time, deliver to the said authorities one of the original declarations, as hereinbefore specified, adding thereto a statement of any changes which may have taken place from the time of the detention of the vessel to that of the delivery, as well as a copy of the statement of any removals which may have taken place, as above provided for.

In delivering over these several documents, the officer shall make, in writing, and on oath, an attestation of their truth.

*Seventhly.*—If the commander of a cruiser of one of the High Contracting Parties, who shall be duly furnished with the aforesaid special Instructions, shall have reason to suspect that a merchant vessel, sailing under convoy of, or in company with, a ship of war of any one of the other Contracting Parties, is engaged in the Slave Trade, or has been fitted out for the purpose of that traffic, or

jurisdiction Basse à Cronstadt ou à Reval, ainsi qu'il a été stipulé ci-dessus.

6°. Dès qu'un navire de commerce qui aura été arrêté comme il a été dit ci-dessus, arrivera dans un des ports ou lieux dont il est ci-dessus fait mention, le commandant du croiseur, ou l'officier chargé de la conduite du navire arrêté, remettra immédiatement aux autorités dûment préposées à cet effet par le Gouvernement dans le territoire duquel le port ou lieu ci-dessus désigné se trouve, le navire et sa cargaison, ainsi que le capitaine, l'équipage, les passagers, et les Esclaves trouvés à son bord, et en outre les papiers saisis à bord, et l'un des deux exemplaires de l'inventaire des dits papiers, l'autre devant demeurer dans sa possession. Le dit officier remettra en même tems à ces autorités, en original, une des deux expéditions du procès-verbal faites selon ce qui est ci-dessus spécifié, et il y ajoutera un rapport des changemens qui pourraient avoir eu lieu depuis le moment de l'arrestation jusqu'à celui de la remise; aussi bien qu'une copie du rapport de tels transbordemens qui ont pu avoir lieu, ainsi qu'il a été prévu ci-dessus.

En remettant ces diverses pièces, l'officier en attestera la sincérité sous serment et par écrit.

7°. Si le commandant d'un croiseur d'une des Hautes Parties Contractantes, dûment pourvu des Instructions spéciales ci-dessus mentionnées, a lieu de soupçonner qu'un navire de commerce naviguant sous le convoi, ou en compagnie d'un bâtiment de guerre d'une des autres Parties Contractantes, se livre à la Traite des Nègres, ou a été équipé pour ce trafic, ou qu'il s'était livré au

has been engaged in the Traffic in Slaves during the voyage in which she is met with by the said cruiser, he shall confine himself to communicating his suspicions to the commander of the ship of war; and he shall leave it to the latter to proceed alone to visit the suspected vessel, and to deliver her up to the jurisdiction of her own country, if there should be cause for doing so.

*Eighthly.*—By Article IV of the Treaty it is stipulated, that in no case shall the mutual right of visit be exercised upon ships of war of the High Contracting Parties.

It is agreed that this exemption shall apply equally to vessels of the Russian-American Company, which, being commanded by officers of the Imperial Navy, are authorized by the Imperial Government to carry a flag which distinguishes them from the Merchant Navy, and are armed and equipped similarly to transports of war.

It is further understood that the said vessels shall be furnished with a Russian patent, which shall prove their origin and destination. The form of this patent shall be drawn up by common consent. It is agreed that this patent, when issued by the competent authority in Russia, shall be countersigned at St. Petersburg by the Consulates of Great Britain and France.

*Ninthly.*—In the 3rd clause of Article IX of the Treaty it is stipulated that, failing proof to the contrary, a vessel shall be presumed to be engaged in the Slave Trade, if there be found on board square plank fitted for being laid down as a second or Slave-deck.

In order to prevent any abuse which might arise from an arbi-

Trafic des Nègres durant la traversée pendant laquelle il a été rencontré par le croiseur, il devra se borner à communiquer ses soupçons au commandant du bâtiment de guerre, et laisser à celui-ci le soin de procéder seul à la visite du navire suspect, et de le placer, s'il y a lieu, sous la main de la justice de son pays.

8°. Par l'Article IV du Traité, il est stipulé, que dans aucun cas le droit mutuel de visite ne pourra s'exercer sur des bâtimens de guerre des Hautes Parties Contractantes.

Il est convenu que cette exemption s'appliquera également aux navires de la Compagnie Russe-Américaine, lesquels, étant commandés par des officiers de la Marine Impériale, sont autorisés par le Gouvernement Impérial à arborer un pavillon qui les distingue de la Marine Marchande, et sont armés et équipés d'une manière semblable à celle des transports de guerre.

Il est également convenu que les dits navires devront être munis d'une patente Russe, qui constatera leur origine et leur destination. La forme de cette patente sera arrêtée de commun accord. Il est convenu que cette patente, expédiée par l'autorité compétente en Russie, sera visée à St. Pétersbourg par les Consulats d'Angleterre et de France.

9°. Par l'Article IX § 3 du Traité, il est stipulé, qu'à moins de preuve contraire, un navire serait censé s'être livré à la Traite des Nègres, s'il se trouvait à son bord des planches de réserve, préparées pour établir un double pont ou un pont dit à Esclaves.

Afin de prévenir tout abus qui pourrait résulter d'une interpréta-

trary interpretation of this clause, it is especially recommended to the cruisers not to apply it to Austrian, Prussian, or Russian vessels, employed in the timber trade, whose manifests shall prove that the planks and joists which they have, or have had, on board, are, or were, a part of their cargo for trade.

Therefore, in order not to harass lawful commerce, cruisers are expressly enjoined only to act upon the stipulations contained in the 3rd clause of Article IX, when there shall be on board the vessel visited spare plank evidently destined to form a Slave-deck.

The undersigned Plenipotentiaries have agreed, in conformity with the 18th Article of the Treaty signed by them this day, that these Instructions shall be annexed to the Treaty signed this day between Great Britain, Austria, France, Prussia, and Russia, for the suppression of African Slave Trade, and shall be considered as an integral part of that Treaty.

In witness whereof the Plenipotentiaries of the High Contracting Parties have signed this Annex, and have thereunto affixed the seal of their arms.

Done at London, the twentieth day of December, in the year of our Lord one thousand eight hundred and forty-one.

(L.S.) ABERDEEN.

(L.S.) KOLLER.

(L.S.) STE. AULAIRE.

(L.S.) SCHLEINITZ.

(L.S.) BRUNNOW.

tion arbitraire de cette clause, il est spécialement recommandé aux croiseurs de ne pas étendre l'application aux navires Autrichiens, Prussiens, et Russes, faisant le commerce de bois, dans le cas où il sera constaté par leurs expéditions que les planches et poutres qu'ils ont, ou ont eu, à bord, font, ou ont fait, partie de leur cargaison comme objet de commerce licite.

Par conséquent, afin de ne pas entraver un commerce licite, il est expressément enjoint aux croiseurs d'appliquer les dispositions contenues dans le § 3 de l'Article IX, seulement aux cas où il se trouverait à bord du bâtiment visité des planches de réserve évidemment destinées pour la formation d'un pont dit à Esclaves.

Les Plénipotentiaires soussignés, conformément à l'Article XVIII du Traité de ce jour, sont convenus que les Instructions ci-dessus seront annexées au Traité signé aujourd'hui entre la Grande Bretagne, l'Autriche, la France, la Prusse, et la Russie, pour la suppression de la Traite des Nègres d'Afrique, et qu'elles seront considérées comme faisant partie intégrante du dit Traité.

En foi de quoi les Plénipotentiaires des Hautes Parties Contractantes ont signé cette Annexe, et y ont apposé le sceau de leurs armes.

Fait à Londres, le vingt Décembre, l'an de Grâce mil huit cent quarante et un.

(L.S.) ABERDEEN.

(L.S.) KOLLER.

(L.S.) STE. AULAIRE.

(L.S.) SCHLEINITZ.

(L.S.) BRUNNOW.

*Patent.*

In the Instruction annexed to the Treaty of the 5th December, 1841, for the suppression of the Slave Trade, it is said : "By Article IV of the Treaty, it is stipulated, that in no case shall the mutual right of visit be exercised upon ships of war of the High Contracting Parties.

"It is agreed that this exemption shall apply equally to vessels of the Russian-American Company, which, being commanded by officers of the Imperial Navy, are authorized by the Imperial Government to carry a flag which distinguishes them from the merchant navy, and are armed and equipped similarly to transports of war.

"It is further understood that the said vessels shall be furnished with a Russian Patent, which shall prove their origin and destination."

Upon this ground the Administration of the Russian-American Company, being about to despatch their ship named , built in the year of tonnage, and commanded by , to the North Western Coast of America to the Colonies settled there, with the right to enter all ports and harbours, which necessity may require,—considers it conformable to the above-cited Article of the Instruction, that besides the Patent authorizing the hoisting of the Russian flag by merchant ships in general, the said vessel of the Company should be provided with this special Patent, to secure her against the visit of the cruizers of the Contracting Powers.

Given at St. Petersburg, under the signature and seal of the Administration of the Russian-American Company, after being exhibited to the British Consulate.

(L.S.)

(Signature.)

## 21. P O R T U G A L.

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### SPECIAL ORDER.

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*By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.*

WHEREAS a Treaty between Great Britain and Portugal, for the suppression of the Traffic in Slaves, was signed at Lisbon, on the 3rd of July, 1842; and Instructions for Cruizers, marked A, and Regulations for Mixed Commissions, marked B, were annexed thereto, and declared to form an integral part thereof; and the Ratifications of the same were exchanged at Lisbon, on the 30th of July, 1842; and whereas the High Contracting Parties mutually agreed thereby, that ships of

their Royal Navies, respectively furnished with the Instructions contained in Annex A to the Treaty, might search and send in for trial, vessels suspected of the illegal Traffic in Slaves: and whereas we think fit, that Her Majesty's ship under your command should be one of those authorized to act under the Treaty,—

We furnish you with a copy of the said Treaty and of its Annexes, marked A and B; and you are hereby expressly authorized, empowered, and ordered, to act in the suppression of the Traffic in Slaves, according to the said Treaty.

Given under our hands, this 12th day of June, 1844.

G. COCKBURN.

W. H. GAGE.

To  
*Commander of Her Majesty's ship*  
 By command of their Lordships,  
 SIDNEY HERBERT.

*Treaty between Her Majesty and the Queen of Portugal, for the suppression of the Traffic in Slaves. Signed at Lisbon, July 3, 1842.*

*Ratifications exchanged at Lisbon, July 30, 1842.*

THEIR Majesties the Queen of the United Kingdom of Great Britain and Ireland, and the Queen of Portugal and the Algarves, being earnestly desirous of putting an immediate end to the barbarous and piratical practice of transporting the natives of Africa across the sea, for the purpose of consigning them to Slavery; and Their said Majesties considering that this infamous practice was declared to be a highly penal crime by the law of Great Britain, in the year one thousand eight hundred and seven, and has likewise been prohibited under severe penalties, by the law of Portugal, in December one thousand eight hundred and thirty-six; and Their said Majesties being of opinion, that in order the more completely to prevent for the future the perpetration of this crime, and to render more effectual the operation of

SUAS Magestades a Rainha do Reino Unido da Gram Bretanha e Irlanda, e a Rainha de Portugal e dos Algarves, tendo grandes desejos de pôr imediato termo á practica barbara e piratica de transportar os naturaes da Africa atravez dos mares, com o fim de os reduzir á Escravidão; e considerando Suas ditas Magestades que esta infame practica foi declarada crime altamente punivel pela lei da Gram Bretanha no anno de mil oitocentos e sete, e foi igualmente prohibida, debaixo de severas penas, pela lei de Portugal em Dezembro de mil oitocentos e trinta e seis; e sendo Suas ditas Magestades de opinião que afim de mais completamente prevenir para o futuro a perpetração deste crime, e de tornar mais efficaz a execução das leis feitas em cada hum dos paizes para a sua punição, será conveniente estabelecer regula-

the laws enacted in each country for its punishment, it will be expedient to establish regulations of maritime police, and to constitute colonial Commissions, to which regulations and Commissions vessels navigating under the flag of either party, and not belonging to one or the other of the Royal Navies, shall be amenable; Their said Majesties have resolved to conclude a Treaty for this purpose, and have accordingly named as their Plenipotentiaries, that is to say: Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Charles Augustus, Lord Howard de Walden, a Peer of the United Kingdom of Great Britain and Ireland, Knight Grand Cross of the Most Illustrious Order of the Bath, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty at the Court of Her Most Faithful Majesty, &c., &c., &c.; and Her Majesty the Queen of Portugal and Algarves, Dom Pedro de Sousa Holstein, Duke of Palmella, President for life of the Chamber of Peers, Councillor of State, Grand Cross of the Order of Christ, and of the Tower and Sword, Captain of the Royal Guard of Archers, Knight of the Distinguished Order of the Golden Fleece, and Grand Cross of the Orders of Charles III in Spain, of the Legion of Honour in France, of Saint Alexander Newsky in Russia, Knight of the Order of St. John of Jerusalem, Count of Sanfré in Piemont, Minister and Honorary Secretary of State, &c., &c., &c.; who, having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon the following Articles:—

ARTICLE I. The two High Contracting Parties mutually declare to each other, that the infamous

mentos de polícia marítima, e constituir Comissões coloniais, aos quais regulamentos e Comissões ficarão sujeitos os navios que naveguem debaixo da bandeira de qualquer das partes, e não pertencentes a nenhuma ou outra das Marinha Reais; resolverão Suas ditas Magestades concluir hum Tratado para esse fim, e nessa conformidade nomearão para seus Plenipotenciários, a saber: Sua Magestade a Rainha do Reino Unido da Gram Bretanha e Irlanda, a Carlos Augusto, Lord Howard de Walden, Par do Reino Unido da Gram Bretanha e Irlanda, Cavalleiro Gram Cruz da Muito Ilustre Ordem do Banho, Enviado Extraordinario e Ministro Plenipotenciario de Sua Magestade Britannica junto de Sua Magestade Fidelissima, &c., &c., &c.; e Sua Magestade a Rainha de Portugal e dos Algarves, a Dom Pedro de Sousa Holstein, Duque de Palmella, Presidente vitalicio da Camera dos Pares, Conselheiro de Estado, Gram Cruz da Ordem de Christo, e da Torre e Espada, Capitão da Guarda Real dos Archeiros, Cavalleiro da Insigne Ordem do Tesão de Ouro, e Gram Cruz das Ordens de Carlos III em Hespanha, da Legião de Honra em França, de Santo Alexandre Newsky na Russia, Cavalleiro da Ordem de S. João de Jerusalém, Conde de Sanfré em Piemonte, Ministro e Secretario d'Estado Honorario, &c., &c., &c.; os quais, tendo comunicado hum ao outro os seus respectivos plenos poderes, que acharam estar em boa e devida forma, concordarão nos seguintes Artigos:—

ARTIGO I. As duas Altas Partes Contractantes mutuamente declarão que a prática infame e pi-

and piratical practice of transporting the natives of Africa by sea, for the purpose of consigning them to Slavery, is, and shall for ever continue to be, a strictly prohibited and highly penal crime, in every part of their respective dominions, and for all the subjects of their respective Crowns.

ARTICLE II. The two High Contracting Parties mutually consent, that those ships of their Royal Navies respectively, which shall be provided with special Instructions, as hereinafter mentioned, may visit and search such vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in transporting Negroes for the purpose of consigning them to Slavery, or of having been fitted out for that purpose, or of having been so employed during the voyage in which they are met by the said cruisers; and the said High Contracting Parties also consent, that such cruisers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon: and in order to fix the reciprocal right of search, in such a manner as shall be adapted to the attainment of the objects of this Treaty, and shall at the same time prevent doubts, disputes, and complaints; it is agreed that the said right of search shall be exercised in the manner, and according to the rules following:

First: It shall never be exercised except by vessels of war, authorised expressly for that purpose, according to the stipulations of this Treaty.

Second: In no case shall the right of search be exercised with respect to a vessel of the Royal Navy of either of the two Powers.

Third: Whenever a vessel is

ratica de transportar per mas es naturaes d'Africa, para o fim de os reduzir á Escravidão, he, e sempre continuará a ser, hum crime rigorosamente prohibido e altamente punivel em toda a parte dos seus respectivos dominios, e para todos os subditos das suas respectivas Corôas.

ARTIGO II. As duas Altas Partes Contractantes consentem mutuamente que aquelles navios das suas respectivas Marinhas Reaes que estiverem munides com instruções especiaes como abaixo se menciona, possam visitar e dar busca ás embarcações das duas nações que sejão suspeitos, com fundamentos rasoaveis, de se empregarem em transportar Negros para o fim de os reduzir á Escravidão, ou de terem sido equipadas com esse intento, ou de terem, sido assim empregadas durante a viagem em que forem encontradas pelos ditos cruzadores; e as ditas Altas Partes Contractantes tambem consentem que os mesmos cruzadores possão deter, e mandar ou levar as ditas embarcações, afim de entram em processo da maneira abaixo convencionada; e para fixar o direito reciproco de busca, de modo tal que seja appropriado a conseguir o objecto deste Tratado, e prevenir ao mesmo tempo duvidas, disputas, e queixas, convenciona-se que o dito direito de busca será exercido da maneira, e conforme as regras seguintes:—

Primo: Nunc será exercido senão por navios de guerra autorizados expressamente para esse fim, conforme as estipulações deste Tratado.

Secundo: Em caso nemhum será exercido o direito de busca a respeito de hum navio da Marinha Real de qualquer das duas Potencias.

Tercio: Todas as vezes que a

searched by a ship of war, the commander of such ship of war shall, immediately upon coming on board the vessel which is to be so searched, and before he begins the search, exhibit to the commander of the vessel which is to be searched, the document by which he is duly authorized to make the search; and he shall deliver to the said commander of the vessel which is to be searched, a certificate signed by himself, stating his rank in the Naval Service of his country, and the name of the ship of war which he commands; and this certificate shall also declare, that the only object of the search is to ascertain, whether the vessel to be searched is employed in transporting Negroes or others in order to consign them to Slavery, or is fitted up for such purpose. When the search is made by an officer of the cruiser, who is not the commander thereof, such officer shall proceed strictly in the same manner as if he were the commander, after having exhibited to the captain of the vessel to be searched, a copy of the above-mentioned document, signed by the commander of the cruiser; and he shall, in like manner, deliver a certificate, signed by himself, stating his rank in the Royal Navy, the name of the commander by whose orders he proceeds to make the search, that of the cruiser in which he sails, and the object of the search, as has been already laid down. If it appears from the search that the papers of the vessel are in regular order, and that the vessel is employed for lawful purposes, the officer shall enter in the log-book of the vessel, that the search has been made in pursuance of the aforesaid special orders; and the vessel shall be left at liberty to pursue her voyage.

Fourth: The rank of the officer

busca em huma embarcação fôr dada por hum navio de guerra e commandante deste navio degênero, immediatamente á chegada abordo da embarcação que está para ser vizitada, e antes que principie a busca, apresentará ao commandante da dita embarcação o documento pelo qual he devidamente autorisado a dar a busca, e entregará ao mesmo commandante da embarcação que está para ser vizitada, huma certidão assignada por elle mesmo, declarando o seu posto no Serviço Naval do seu paiz, e o nome do navio de guerra que comanda; e esta certidão deverá também declarar que o unico objecto da visita he averiguar se a embarcação que deve ser vizitada se acha empregada em transportar Negros ou otros a Escravidão; ou se está equipada para esse fim. Quando a busca fôr dada por hum oficial do cruzador que não seja o commandante delle, procederá o mesmo oficial strictamente como se o fôra, depois de ter previamente apresentado do capitão da embarcação que fôr visitada, huma copia do documento acima referido, assignada pelo commandante do cruzador; devendo do mesmo modo entregar huma certidão, assignada por elle, em que declare o seu posto na Marinha Real, o nome do commandante por cuja ordem procede a dar busca, o du cruzador em que anda embarcado, e o objecto da visita como ja se disse. Se pela visita se conhecer que os papeis da embarcação estão em devida forma, e que a embarcação anda empregada em negociações licitas, deverá o official declarar no diario da derrota da embarcação, que a visita foi feita em execução das ordens especiaes acima mencionadas, deixando a embarcação em liberdade de proseguir a sua viagem.

Quarto: O posto do official que

who makes the search must not be lower than that of lieutenant of the Royal Navy, unless he be the officer who shall at the time be second in command of the searching vessel; or unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank.

*Fifth: The reciprocal right of search and detention shall not be exercised within the Mediterranean Sea, nor within the seas in Europe which lie without the Straits of Gibraltar, and to the northward of the thirty-seventh parallel of north latitude, and within and to the eastward of the meridian of longitude twenty degrees west of Greenwich.*

**ARTICLE III.** In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed:—

*First: That all ships of the Royal Navies of the two Nations, which shall be hereafter employed to prevent the transport of Negroes or others for the purpose of consigning them to Slavery, shall be furnished by their respective Governments with a copy, in the English and Portuguese languages, of the present Treaty; of the Instructions A, for Cruizers, annexed thereto; and of the Regulations B, for the Mixed Commissions annexed thereto; which Annexes, respectively, shall be considered as an integral part of the Treaty.*

*Second: That each of the High Contracting Parties, shall, from time to time, and as often as any changes are made in the ships of war employed in this service, communicate to the other the names of the several ships furnished with such Instructions; the force of each, and the names of their several commanders, and of the officers second in command.*

der a busca não deve ser inferior ao de tenente da Marinha Real, salvo se na occasião da visita elle for o oficial segundo comandante de navio, ou se o commando, por falecimento ou outro qualquer motivo, tiver recahido em hum oficial de patente inferior.

*Quinto: O direito reciproco de busca e detenção não será exercido no Mar Mediterraneo, nem nos mares da Europa que estão fora do Estreito de Gibraltar, e ao norte de trinta e sete graos, paralelo de latitude septentrional, e que estão dentro e a leste de vinte graos de longitude occidental do meridiano de Greenwich.*

**ARTIGO III.** Afim de regular o modo de pôr em execução as disposições do Artigo precedente, convencionou-se:—

*Primo: Que todos os navios das Marinhas Reaes das duas Nações, que d'aqui em diante forem empregados em impedir o transporte dos Negros ou outros para os reduzir á Escravidão, serão munidos pelos seus respectivos Governos de huma copia, nas lingoas Inglesa e Portugueza do presente Tratado; das Instrucções para os Cruzadores a elle annexas sob a letra A; e dos Regulamentos para as Comissões Mixtas a elle annexos sob a letra B; os quáes Annexos serão respectivamente considerados como parte integrante do Tratado.*

*Segundo: Que cada huma das Altas Partes Contractantes, de tempos a tempos, e todas as vezes que se fizerem algumas mudanças nos navios de guerra empregados neste serviço, deverá comunicar á outra os nomes dos diversos navios munidos de tásas Instrucções; a força de cada hum, e os nomes dos seus diversos commandantes, e dos officiaes immediatos em comando.*

Third: That if at any time there shall be just cause to suspect, that any vessel sailing under the flag of either Nation, and proceeding under the convoy of any ship or ships of war of either of the Contracting Parties, is engaged, or is intended to be engaged, in the transport of Negroes or others for the purpose of consigning them to Slavery; or is fitted out for that purpose; or has, during the voyage in which she has been met with, been so employed; it shall be the duty of any commander of any ship of the Royal Navy of either of the two High Contracting Parties, furnished with such Instructions as aforesaid, to communicate in writing his suspicions to the commander of the convoy; and the said commander of the convoy shall give an acknowledgment in writing of the said communication; and the said commander of the convoy, accompanied by the commander of the cruiser, shall proceed to search the suspected vessel. If the suspicions shall prove to be well founded, according to the tenor of this Treaty, then the said vessel shall be conducted or sent by the commander of the convoy to one of the points where the Mixed Commissions are stationed, in order that the vessel may undergo the sentence applicable to her case.

Fourth: It shall not be lawful to visit or detain, under any pretext or motive whatever, any merchant vessel when at anchor in any port or roadstead belonging to either of the two High Contracting Parties, or within cannon-shot of the batteries on shore, unless on a written demand for co-operation on the part of the authorities of such country; but should any suspected vessel be met with in such port or roadstead, due representation of the same is to be made to

Tercio: Que se em algum tempo houver justo motivo para suspeitar que alguma embarcação navegando com a bandeira de qualquer das duas Nações, e hindo debaixo do comboi de algum navio ou navios de guerra de qualquer das duas Partes Contractantes, hé empregada, ou tenciona empregarse, no transporte de Negros ou outros para os reduzir á Escravidão, ou está esquipada para esse fim, ou tem sido assim empregada durante a viagem em que foi encontrada: será do dever de todo o commandante de qualquer navio da Marinha Real de alguma das duas Altas Partes Contractantes, que estiver munido de tásas Instruções, como acima se disse, comunicar por escripto as suas suspeitas ao commandante do comboi; e o dito commandante do comboi deverá acusar por escripto a mesma comunicação, cumprindo-lhe proceder elle mesmo na, companhia do commandante do craudor, á busca na embarcação suspeita. Se as suspeitas se acharem ser bem fundadas, segundo o theor deste Tratado, será então a dita embarcação conduzida ou mandada pelo commandante do comboi para hum dos pontos aonde as Comissões Mixtas estão establecidas, afim de que sofra a sentença applicável ao seu cazo.

Quarto: Não será lícito visitar ou deter, debaixo de qualquer pretexto ou motivo que seja, embarcação alguma mercante fundeada em qualquer porto ou ancoradouro pertencente a qualquer das duas Altas Partes Contractantes, ou ao alcance de tiro de peça das baterias de terra, salvo se por parte das autoridades do paiz se pedir auxilio por escripto; porém se alguma embarcação suspeita for encontrada nesse porto ou ancoradouro, far-se-ha a conveniente re-

the authorities of the country, requesting them to take the necessary measures to prevent the violation of the stipulations of this Treaty; and the said authorities shall proceed to take effectual measures accordingly.

ARTICLE IV. As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects may incur by any arbitrary and illegal detention of their vessels; it being understood, that this compensation shall be made by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention. The compensation for damages, of which this Article treats, shall be made within the term of one year, reckoned from the day on which the Mixed Commission pronounces sentence on the vessel, for the detention of which such compensation is claimed.

ARTICLE V. It is, however, distinctly understood between the two High Contracting Parties, that no stipulation of the present Treaty shall be interpreted as interfering with the right of Portuguese subjects to be accompanied, in voyages to and from the Portuguese possessions off the coast of Africa, by Slaves who are *bond fide* household servants, and who may be duly named and described as such in passports, wherewith the vessel must be furnished, from the highest civil authority at the place where such Slaves shall have embarked: Provided,—

First: That in such voyages, no Portuguese subject, except he be a Portuguese settler, removing definitively from his residence in a Portuguese possession on the coast of Africa, shall be accompanied

presentação ás autoridades do paiz, pedindo-lhes que tomem as medidas necessarias para prevenir a violação das estipulações deste Tratado; e as ditas autoridades procederão a tomar medidas eficazes nessa conformidade.

ARTIGO IV. Como os dous precedentes Artigos são inteiramente reciprocos, obrigão-se mutuamente as duas Altas Partes Contractantes a indemnizar quaequer perdas que os seus respectivos subditos possam sofrer, pela detenção arbitrária e illegal das suas embarcações; bem entendido que esta compensação será feita pelo Governo cujo cruzador tiver sido culpado dessa arbitrariedade e illegal detenção. A compensação dos danos de que trata este Artigo, se fará dentro do espaço de hum anno, contado do dia em que a Comissão Mixta proferir sentença sobre a embarcação por cuja detenção se reclamar tal compensação.

ARTIGO V. Fica com tudo claramente entendido entre as duas Altas Partes Contractantes, que nemhuma estipulação do presente Tratado será interpretada como oposta ao direito que tem os subditos Portuguezes de serem acompanhados em viagens, hindo en vindo das possessões Portuguezas na costa d'Africa, por Escravos que sejam *bond fide* do servidão de sua caza, e que sejam devidamente nomeados e descriptos como tâes em passaportes com que a embarcação deve ser munida pela principal autoridade civil do lugar onde esses Escravos tiverem embarcado; com tanto porém:

Primo: Que em tâes viagens nemhum subdito Portuguez (excepto se fôr colono Portuguez, mandando-so definitivamente da sua residencia em huma possessão Portugueza na costa d'Africa,) haja de

by more than two Slaves, being *bond fide* household servants.

Secondly: That such a settler removing definitively, with his family, from his residence in a Portuguese possession on the coast of Africa, shall not be accompanied by more than ten Slaves, and that all these Slaves shall be *bond fide* his household servants.

Thirdly: That such household Slaves shall be found at large and unconfined in the vessel, and clothed like Europeans in similar circumstances.

Fourthly: That no other Slaves shall be embarked on board of the vessel in which the said household servants shall be found; and that the voyage on which such settler and his family shall be so accompanied by such household Slaves, shall be a direct voyage to the Portuguese islands of Cape Verd, Princes, or St. Thomas, from some place in the Portuguese possessions on the coast of Africa, where the said settler shall have been permanently residing.

Fifthly: That the passports above mentioned shall enumerate each of the persons on board the vessel, and shall state their names, sex, ages, and occupation, their last place of residence, and the place to which they are going.

Sixthly: That there be nothing in the equipment or character of the vessel in which such household Slaves may be found, which shall justify its detention under the provisions of this Treaty.

But if the equipment or character of the vessel shall justify the detention of the vessel under the stipulations of the present Treaty; or if any of the regulations specified in this Article shall be unobserved or violated, in respect to such vessel, then her master,

ser acompanhado por mais de dous Escravos, que sejam *bond fide* do serviço de sua casa.

Secundo: Que o mesmo, e logo, mudando-se definitivamente com sua familia, da sua residência huma posseção Portuguesa na costa d'Africa, não seja acompanhado por mais de dez Escravos, e que todos estes Escravos sejam *bond fide* do serviço de sua casa.

Tercio: Que esses Escravos do serviço de sua casa estejam soltos e em liberdade na embarcação, e vestidos como os Europeos em semelhantes circunstancias.

Quarto: Que nenhuns outros Escravos sejam embarcados no navio em que se acharem os ditos Escravos do serviço de sua casa; e que a viagem em que o mesmo colono e a sua familia for assim acompanhada por tâes Escravos do serviço de sua casa, seja hama viagem em direitura ás ilhas Portuguezas de Cabo Verde, Principe, ou S. Thomé, de algum lugar das possessões Portuguezas na costa d'Africa aonde o dito colono tiver estado permanentemente residindo.

Quinto: Que os passaportes assim mencionados especificarão cada huma das pessoas abordo da embarcação, e declararão os seus nomes, sexo, idade, e ocupação, o ultimo lugar da sua residência, e o lugar para onde vão.

Sexto: Que não haja conste alguma na esquipação, ou na qualidade da embarcação em que estes Escravos de serviço de casa se possam achar, que justifique a sua detenção em virtude das condições deste Tratado.

Porém, se a esquipação ou a qualidade da embarcação justificar a sua detenção, debaixo das estipulações do presentes Tratado; ou se algum dos regulamentos especificados neste Artigo não for observado, ou for violado a respeito da dite embarcação, enfar o que

and her crew, and the owner or  
ewmore of the vessel, of the cargo,  
or of the Slaves, shall be liable to  
be proceeded against as accom-  
plishes in an infraction of the pre-  
sent Treaty, and to be punished  
accordingly; and the vessel and  
cargo shall be adjudged and con-  
demned, and the Slaves shall be  
liberated.

**ARTICLE VI.** In order to bring  
to adjudication, with as little delay  
and inconvenience as possible, the  
vessels which may be detained  
according to the tenor of Article  
II of this Treaty, there shall be  
established, as soon as may be  
practicable, two or more Mixed  
Commissions, formed of an equal  
number of individuals of the two  
nations, and named for this purpose  
by their respective Sovereigns.

Of these Commissions one half  
shall reside in possessions belong-  
ing to Her Britannic Majesty, the  
other half within the territories of  
Her Most Faithful Majesty; and  
the two Governments, at the period  
of exchanging the ratifications of  
the present Treaty, shall declare,  
each for its own dominions, in  
what places the Commissions shall  
respectively reside. Each of the  
two High Contracting Parties  
reserves to itself the right of  
changing, at its pleasure, the place  
of residence of the Commissions  
held within its own dominions:  
provided always, that two at least  
of the said Commissions shall  
always be held either on the coast  
of Africa, or in one of the islands  
off that coast.

These Commissions shall judge  
the causes submitted to them ac-  
cording to the provisions of the  
present Treaty, without appeal,  
and according to the Regulations  
and Instructions which are an-  
nexed to the present Treaty, and  
which are considered as forming  
an integral part thereof.

della, a sua tripulação, e o dono ou  
donos da dita embarcação, da carga,  
ou dos Escravos, ficarão sujeitos a  
que se proceda contra elles como  
cumplices en huma infracção do  
presente Tratado, e a serem cas-  
tigados nessa conformidade; e a  
embarcação e a carga serão julga-  
das e condenadas, e os Escravos  
postos em plena liberdade.

**ARTICO VI.** Para fazer julgar,  
com a menor demora e inconve-  
niencia possivel, as embarcações  
que possão ser detidas, segundo o  
theor do Artigo II deste Tratado,  
estabelecer-se hão, logo que seja  
practicavel, duas ou mais Com-  
missões Mixtas, compostas de  
igual numero d'individuos das  
duas nações, nomeados para esse  
fim pelos seus respectivos Sober-  
anos.

Metade destas Comissões resi-  
dirá nos territorios pertencentes à  
Sua Magestade Britannica, e a  
outra metade nas possessões de  
Sua Magestade Fidelissima; e os  
dous Governos, ao tempo da troca  
das ratificações do presente Tra-  
tado, declararão cada hum, quanto  
aos seus proprios dominios, em que  
lugares hão de as Comissões re-  
spectivamente residir: reservando-  
se cada huma das duas Altas  
Partes Contractantes o direito de  
mudar a seu arbitrio o lugar da  
residencia da Comissão estabele-  
cida nos seus proprios dominios:  
com tanto porém, que ao menos  
duas das ditas Comissões devam  
sempre residir ou na costa d'Africa,  
ou em duma das ilhas adjacentes  
daquelle costa.

Estas Comissões julgarão as  
causas que lhes forem submettidas  
segundo as estipulações do pre-  
sente Tratado, sem appellação: e  
em conformidade dos Regulamen-  
tos e Instrucções que lhe estão  
annexas, e que são consideradas  
como formando huma parte inte-  
grante delle.

**ARTICLE VII.** The Mixed Commission at present established and sitting under the Convention between Great Britain and Portugal of the 28th of July, 1817, shall continue to exercise its functions, and shall, from and after the end of six months after the exchange of the ratifications of this Treaty, and until the appointment and definitive establishment of the Mixed Commissions under the present Treaty, adjudge without appeal, according to the principles and stipulations of the present Treaty, and of the Annexes thereof, the cases of such vessels as may be sent or brought before it; and any vacancies which may occur in such Mixed Commissions, shall be filled up in the same manner in which vacancies in the Mixed Commissions to be established under the provisions of this Treaty are to be supplied.

**ARTICLE VIII.** If the commanding officer of any of the ships of the Royal Navies of Great Britain and Portugal respectively, duly commissioned according to the provisions of Article II of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and in such case the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

**ARTICLE IX.** Any vessel, British or Portuguese, which shall be visited by virtue of the present Treaty, may lawfully be detained, and may

**Artigo VII.** A Comissão Mixta que ao presente se acha estabelecida, e fazendo as suas sessões em virtude da Convênio concluída entre a Grã Bretanha e Portugal em vinte e oito de Julho, de mil oitocentos e dezessete, continuará a exercer as suas funções; e antes e após do fim de seis meses depois da troca das ratificações deste Tratado, e até á nomeação e definitivo estabelecimento dos Comissões Mixtas, em virtude do presente Tratado, julgará sem apelação, segundo os princípios e estipulações deste Tratado, e dos seus Annexos, os casos daquelas embarcações que forem mandadas ou trazidas perante ella; e quaisquer vacâncias que possam ocorrer nas sobreditas Comissões Mixtas não pre-enchidas da mesma maneira que se hão de pre-encher as vacâncias nas Comissões Mixtas que tem de ser estabelecidas segundo as estipulações deste Tratado.

**Artigo VIII.** Se o oficial comandante de qualquer das naus das respectivas Marinhas Reais da Grã Bretanha e de Portugal, devidamente nomeado na conformidade das condições do Artigo II deste Tratado, se desviar a qualquer respeito das estipulações do dito Tratado, e das Instruções a elle annexas, poderá o Governo que se julgar lesado pedir huma reparação; e em tal caso o Governo a que esse oficial commandante pertencer, se obriga a mandar proceder a investigações sobre o objecto da queixa; e a impôr ao dito oficial hum castigo proporcionado a qualquer transgressão que possa commettido scintosamente.

**Artigo IX.** Qualquer embarcação, Britannica ou Portugueza, que for visitada em virtude do presente Tratado, pode ser legitimamente

be sent or brought before one of the Mixed Commissions established in pursuance of the provisions thereof, if any of the things hereinafter mentioned shall be found in her outfit or equipment, or shall be proved to have been on board during the voyage in which the vessel was proceeding when captured, namely:—

First: Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

Secondly: Divisions or bulk-heads, in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

Thirdly: Spare plank fitted for being laid down as a second or Slave-deck.

Fourthly: Shackles, bolts, or handcuffs.

Fifthly: A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel as a merchant vessel.

Sixthly: An extraordinary number of water casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that sufficient security had been given by the owners of such vessel, that such extra quantity of casks or of other vessels, should only be used for the reception of palm-oil, or for other purposes of lawful commerce.

Seventhly: A greater quantity of meas-tubs or kids, than are requisite for the use of the crew of the vessel as a merchant vessel.

Eighthly: A boiler, or other cooking apparatus, of an unusual size, and larger, or fitted for being made larger, than requisite for

detida, e mandada, ou condamnada perante huma das Comissões Mixtas estabelecidas em consequencia das estipulações delle, se acazo alguma das cousas abaixo mencionadas fôr encontrada no seu aparelho ou esquipaçâo, ou se se provar que estiverão abordo durante a viagem que a embarcação seguis quando apressada, a saber:—

Primo: Escotilhas com xadrezes, em vez de escotilhas fechadas, como usão as embarcações mercantes.

Segundo: Separações ou repartimentos no porão ou na coberta, em maior numero do que são necessarios para embarcações empregadas em commercio lícito.

Tertio: Pranchas de sobrecelente preparadas para se armarem como huma segunda coberta, ou coberta para Escravos.

Quarto: Cadéas, grilhões, ou algemas.

Quinto: Maior quantidade d'agoa em toneis ou em tanques, do que ha mister para consumo da tripulação da embarcação como navio mercante.

Sexto: Hum numero extraordinario de toneis para agoa, ou de outras vasilhas para guardar liquidos; salvo se o mestre apresentar huma certidão da alfandega do lugar d'onde despachou na sua partida, declarando que os donos da embarcação deram fiança idonea de que aquelle extraordinario numero de toneis ou de outras vasilhas seria somente empregado em receber azeite de palma, ou para outros fins de commercio lícito.

Septimo: Maior quantidade de bandejas, gamellas, ou celhas de rancho, do que ha necessaria para uso da tripulação da embarcação como navio mercante.

Octavo: Hum caldeirão ou outros aparelhos de cozinha, de extraordinario tamanho e maiores, ou adaptados para se tornarem mai-

the use of the crew of the vessel, as a merchant vessel; or more than one boiler, or other cooking apparatus, of the ordinary size.

Ninthly: An extraordinary quantity of rice, of the flour of Brazil manioc, or cassada, commonly called farinha, of maize, or of Indian corn, or of any other article of food whatever, beyond what might probably be requisite for the use of the crew; such rice, flour, maize, Indian corn, or other article of food, not being entered on the manifest as part of the cargo for trade.

Tenthly: A quantity of mats or matting, larger than is necessary for the use of the crew of the vessel, as a merchant vessel.

Any one or more of these several things, if proved to have been found on board, or to have been on board during the voyage on which the vessel was proceeding when captured, shall be considered as *prima facie* evidence of the actual employment of the vessel in the transport of Negroes or others for the purpose of consigning them to Slavery; and the vessel shall thereupon be condemned, and shall be declared lawful prize, unless clear and incontestably satisfactory evidence, on the part of the master or owners, shall establish to the satisfaction of the Court, that such vessel was, at the time of her detention or capture, employed on some legal pursuit, and that such of the several things above enumerated, as were found on board of her at the time of her detention, or had been on board of her on the voyage on which she was proceeding when captured, were needed for legal purposes on that particular voyage.

ores, do que he necessário para uso da tripulação da embarcação, como navio mercante; ou mais de huma caldeirão, ou outros aparelhos de cozinha, de tamanho ordinario.

Nono: Huma quantidade extraordinaria de arroz, ou de farinha de Brazil extrahida da mandioca, vulgarmente chamada farinha de pão, ou de milho miudo ou gresso, ou de qualquer outro genero de mantimento, além da que provavelmente se pode tornar preciza para uso da tripulação; huma vez que o dito arroz, farinha, farinha de pão, de milho grosso, ou otto qualquer genero de mantimento, não tenha sido lançado no manifesto como parte da carga para negocio.

Decimo: Huma quantidade de esteiras ou esteirões maior do que he necessaria para uso da tripulação da embarcação, como navio mercante.

Huma qualquer ou mais de huma dessas diversas cousas, que se prover sido achada abordo, ou ter estando abordo durante a viagem que a embarcação seguia quando capturada, será considerada como prova *prima facie* de andar a embarcação empregada no transporte de Negros ou outros para os reduzir à Escravidão; e em consequencia disso será embarcação condenada e declarada bôa preza, a menos de se darem provas claras e incontestavelmente satisfactorias da parte do mestre ou donos, a contento dos Juizes, que tal embarcação andava ao tempo da sua detenção ou aprisionamento, empregada em alguma empreza licita, e que algumas das diversas cousas acima mencionadas que forão achadas a seu bordo ao tempo da sua detenção, ou tinham estado a seu bordo na viagem que seguia quando capturada, eram necessarias para fins licitos naquela propria viagem.

**ARTICLE X.** If any of the things specified in the preceding Article shall be found in any vessel which is detained under the stipulations of this Treaty, or shall be proved to have been on board the vessel during the voyage on which the vessel was proceeding when captured, no compensation for losses, damages, or expenses, consequent upon the detention of such vessel, shall in any case be granted, either to her master or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Commission should not pronounce any sentence of condemnation in consequence of her detention.

**ARTICLE XI.** In all cases in which a vessel shall be detained, under this Treaty, by the respective cruisers of the Contracting Parties, as having been engaged in transporting Negroes or others for the purpose of consigning them to Slavery, or as having been fitted out for that purpose, and shall consequently be adjudged and condemned by the Mixed Commissions to be established as aforesaid, either of the two Governments may purchase the condemned vessel for the use of its Royal Navy, at a price to be fixed upon by a competent person to be chosen by the Court of Mixed Commissions for that purpose; but the Government whose cruiser shall have detained the condemned vessel shall have the first choice of purchasing her. But if the condemned vessel shall not be so purchased, the said vessel shall, immediately after condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

**ARTICLE XII.** When any vessel shall have been declared good prize by one of the Mixed Commissions, the captain, pilot,

**ARTIGO X.** Se alguma das cousas especificadas no Artigo precedente fôr achada em qualquer embarcação, ou se prove ter estado a seu bordo durante a viagem que seguia quando capturada em virtude das estipulações deste Tratado; nemhuma compensação por perdas, danos, ou despezas provenientes da detenção de tal embarcação, se concederá em caso algum ao mestre ou dono della, ou a qualquer outra pessoa interessada na sua esquadra ou carga; ainda mesmo que a Comissão Mixta não proferisse sentença alguma de condenação em consequencia da sua detenção.

**ARTIGO XI.** Em todos os cazos em que huma embarcação fôr detida em virtude deste Tratado, pelos respectivos cruzadores das Partes Contractantes, como tendo estado empregada em transportar Negros ou outros para os reduzir á Escravidão, ou como tendo sido esquipada com esse intento, e fôr consequentemente sentenciada e condenada pelas Comissões Mixtas que se hão de estabelecer, como fica dito, poderá qualquer dos dous Governos comprar a embarcação condenada para o serviço da sua Marinha Real, pelo preço que fôr fixada por pessoa competente, para esse fim escolhida pelo Tribunal das Comissões Mixtas; porém o Governo cujo cruzador tiver detido a embarcação condenada terá a preferencia na compra; e a não ser assim comprada, será logo depois da condenação inteiramente desmanchada, e assim vendida em pedaços separados.

**ARTIGO XII.** Quando qualquer embarcação tiver sido julgada boa preza por huma das Comissões Mixtas, o capitão, piloto, tripulação,

crew, and passengers found on board the said vessel, shall be immediately placed at the disposal of the Government of the country under whose flag the said vessel was navigating at the time of her capture, to be tried and punished according to the laws of that country. In the like manner, the owner of the vessel, the persons interested in the equipment and cargo, and their several agents, shall be tried and punished, unless they can prove that they took no part in the infraction of the present Treaty, on account of which the vessel was condemned.

ARTICLE XIII. Each of the two High Contracting Parties most solemnly binds itself to guarantee the liberty of the Negroes who may be emancipated under the present Treaty, by the Mixed Commissions sitting within the colonies or possessions of such Government; and to afford from time to time, and whenever demanded by the other Party, or by the members of the Mixed Commissions by whose sentence the Slaves shall have been liberated, the fullest information as to the state and condition of such Negroes, with a view of ensuring the due execution of the Treaty in this respect.

For this purpose, the Regulations C, annexed to this Treaty, as to the treatment of Negroes liberated by sentence of the Mixed Commissions, have been drawn up, and are declared to form an integral part of this Treaty; the two High Contracting Parties reserving to themselves the right to alter, by common consent and by mutual agreement, but not otherwise, the terms and tenor of such Regulations.

ARTICLE XIV. The Acts or Instruments annexed to this Treaty, and which, it is mutually

e passageiros achados abordo da dita embarcação, serão imediatamente postos á disposição do Governo do paiz debaixo de cuja bandeira navegava a dita embarcação ao tempo da sua captura, para serem processados e punidos segundo as leis desse paiz. Da mesma maneira o dono da embarcação, as pessoas interessadas na sua esquadra e carga, e os seus respectivos agentes, serão processados e punidos; salvo se provarem não ter tido parte naquella infração do presente Tratado, em consequencia da qual haver sido condenada a embarcação.

ARTIGO XIII. Cada huma das duas Altas Partes Contractantes mui solemnemente se obriga a garantir a liberdade dos Negros que forem emancipados, em virtude do presente Tratado, pelas Comissões Mixtas estabelecidas nas colonias ou possessões desse Governo; e a dar de tempos a tempos todas as vezes que for pedido pela outra Parte, ou pelos membros das Comissões Mixtas, por cuja sentença tiverem os Escravos sido libertados, o mais ampla informação a respeito do estado e condição dos ditos Negros, com o propósito de assegurar a devida execução do Tratado a este respeito.

Com este fim foi feito o Regulamento anexo a este Tratado sob letra C, para o tratamento dos Negros libertados por sentença das Comissões Mixtas, e foi declarado formar parte integrante do presente Tratado: Reservando-se as duas Altas Partes Contractantes o direito de alterar pelo commun consentimento e mutuo acordo, mas não de outra maneira os termos e theor do dito Regulamento.

ARTIGO XIV. As Actas e Instrumentos anexos a este Tratado, que mutuamente se co-

agreed, shall form an integral part thereof, are as follow:—

A. Instructions for the ships of the Royal Navies of both Nations, employed to prevent the transport of Negroes or others, for the purpose of consigning them to Slavery.

B. Regulations for the Mixed Commissions.

C. Regulations as to the treatment of liberated Negroes.

ARTICLE XV. Her Majesty the Queen of Portugal and Algarves hereby declares the Slave Trade to be Piracy, and that those of her subjects who shall, under any pretext whatever, take any part in the Traffic in Slaves, shall be subjected to the most severe secondary punishment.

ARTICLE XVI. The present Treaty shall be ratified, and the ratifications shall be exchanged at Lisbon, at the expiration of two months from the date of its signature, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed, in duplicate originals, English and Portuguese, the present Treaty, and have thereunto affixed the seal of their arms.

Done at Lisbon, the third day of July, in the year of our Lord one thousand eight hundred and forty-two.

(L.S.) HOWARD DE WALDEN.

vencionou, deverem formar huma parte integrante delle, são os seguintes:—

A. Instruções para os navios das Marinhas Reaes de ambas as Nações, empregados em prevenir o transporte de Negros e outros, feito com o fim de os reduzir á Escravidão.

B. Regulamento para as Comissões Mixtas.

C. Regulamento para o tratamento dos Negros libertados.

ARTIGO XV. Sua Magestade a Rainha de Portugal e Algarves, declara por este Artigo Pirataria o Trafico da Escravatura, e que aquelles dos seus subditos que, debaixo de qualquer pretexto que seja, tomarem parte no Trafico de Escravos, serão sujeitos á pena mais severa immediata á de morte.

ARTIGO XVI. O presente Tratado será ratificado, e as suas ratificações serão trocadas em Lisboa no termo de dous mezes contados da data da sua assignatura, ou mais cedo se fôr possivel.

Em testemunho do que os respectivos Plenipotenciarios assignaram em origináes duplicados, Inglez e Portuguez, o presente Tratado, e o firmarão com o sella das suas armas.

Feito em Lisboa, aos trez dias do mes de Julho, do anno do Nascimento de Nosso Senhor Jesus Christo mil oitocentos e quarenta e dous.

(L.S.) DUQUE DE PALMELLA.

## ADDITIONAL ARTICLE

*to the Treaty concluded between Great Britain and Portugal, for the abolition of Slave Trade, on the third day of July, in the year of our Lord one thousand eight hundred and forty-two.*

As the object of this Treaty, and of the three Annexes which form part of it, is no other than that of preventing the Traffic in Slaves, without any annoyance to the respective merchant shipping of the two nations; and as this fraudulent Traffic is carried on from the coast of Africa, where the Crown of Portugal has also extensive colonial possessions where legitimate commerce exists, and which it is important in the spirit of this Treaty to promote and protect,—the High Contracting Parties, animated by the same sentiments, agree that if in future it should appear necessary to either of them to adopt new measures, or alter any of the executive regulations for attaining the said beneficent object, or for obviating any unforeseen inconvenience to the aforesaid shipping or lawful commerce which experience shall have made known, in consequence of those established in this Treaty and its Annexes, proving inefficacious or injurious,—the said High Contracting Parties engage to consult together for the more complete attainment of the object proposed.

The present Additional Article shall have the same force and effect, as if it were inserted, word for word, in the Treaty signed on this day; and it shall be ratified, and the ratifications shall be exchanged within the term of two months from the date of its signature, or sooner if possible.

## ARTIGO ADICIONAL

*ao Tratado concluído entre a Gran Bretanha e Portugal, para a abolição do Trafico de Escravatura, aos trez dias do mes de Julho, do anno do Nascimento de nosso Senhor Jesus Christo de mil oitocentos e quarenta e dous.*

Como o objecto deste Tratado e dos trez Annexos que formam parte delle, não ha outro senão prevenir o Trafico da Escravatura, sem prejudicar a respectiva navegação mercante das duas nações; e como este fraudulento trafico hé feito da costa d'Africa, aonde a Corôa de Portugal tem tambem extensas possessões colonizadas nas quaes se faz commercio lícito que importa, segundo o espirito do Tratado, promover e proteger,—as Altas Partes Contractantes, animadas dos mesmos sentimentos, concordam em que se para o futuro parecer necessário a qualquer dellas adoptar novas medidas, ou alterar alguns dos regulamentos executivos para conseguirem o dito beneficio fim, ou para obviam alguma imprevista inconveniencia á sobredita navegação ou commercio lícito, que a experiença tenha dado a conhecer, em consequencia de se terem achado inefficazes, ou prejudiciais, os estabelecidos neste Tratado, e nos seus Annexos,—as ditas Altas Partes Contractantes se compromettem a consultar entre si sobre o fim de mais completamente conseguir o objecto proposto.

O presente Artigo Addicional terá a mesma força e vigor como se estivesse inserto, palavra por palavra, no Tratado assignado nessa data, e será ratificado, e as ratificações trocadas no termo de doze meses contados da data da sua assinatura, ou mais cedo se for possível.

In witness whereof the respective Plenipotentiaries have signed it, and have affixed thereto the seal of their arms.

Done at Lisbon, the third day of July, one thousand eight hundred and forty-two.

(S.S.) HOWARD DE WALDEN.

Em testemunho do que os Plenipotenciarios respectivos o assignarão, e firmárão com o sello das suas armas.

Feito em Lisboa, aos trez dias de Julho, de mil oitocentos e quarenta e dous.

(L.S.) DUQUE DE PALMELLA.

*Annex A to the Treaty between Great Britain and Portugal, upon Slave Trade, of the 3rd day of July, 1842.*

*Instructions for the ships of the British and Portuguese Royal Navies, employed to prevent the Traffic in Slaves.*

ARTICLE I. The commander of any ship belonging to the Royal British or Portuguese Navy, who shall be furnished with these Instructions, shall have a right to visit, search, and detain, except within the limits excepted in Article II of the Treaty, any British or Portuguese vessel which shall be actually engaged, or shall be suspected to be engaged, in transporting Negroes or others for the purpose of consigning them to Slavery, or to be fitted out with such view, or to have been so employed during the voyage on which she may be met with by such ship of the British or Portuguese Navy; and such commander shall thereupon bring or send such vessel, as soon as possible, for judgment before that one of the Mixed Commissions established in virtue of Article VI of the said Treaty, which shall be the nearest to the place of detention, or which such commander shall, upon his own responsibility,

*Annexo A ao Tratado entre a Grã Bretanha e Portugal, sobre o Trafico de Escravatura, aos tres dias de Julho, de mil oitocentos e quarenta e dous.*

*Instruções para os navios das Marinhas Reais Britânicas e Portuguesa, empregados em impedir o Trafico de Escravatura.*

ARTIGO I. O commandante de qualquer navio pertencente à Marinha Real Britânica ou Portuguesa, que estiver munido destas Instruções, terá direito de visitar, dar busca, e deter, salvo nos limites exceptuados no Artigo II do Tratado, qualquer embarcação Britânica ou Portuguesa, que estiver efectivamente empregada, ou se suspeitar que está empregada, em transportar Negros ou outros com o fim de os reduzir à Escravidão, ou de ter sido esquripada com essas vistas, ou de ter sido assim empregada durante a viagem em que fôr encontrada pelo dito navio da Marinha Britânica ou Portuguesa; devendo em consequencia o dito commandante conduzir ou mandar a mesma embarcação, o mais breve possível, para ser julgada perante huma das Comissões Mixtas, estabelecidas em virtude do Artigo VI do dito Tratado, que será a mais proxima do lugar da detenção, ou aquella a que o dito com-

judge can be soonest reached from such place.

**ARTICLE II.** Whenever a ship of either of the Royal Navies, duly authorized as aforesaid, shall meet a vessel liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the Navies of Great Britain and Portugal, respectively, unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank, or unless the officer who makes the search shall at the time be second in command of the ship by which such search is made.

**ARTICLE III.** The commander of any ship of the two Royal Navies, duly authorized as aforesaid, who may detain any vessel in pursuance of the tenor of the present Instructions, shall, at the time of detention, draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel: which declaration shall be signed by himself, and shall be given in or sent, together with the captured vessel, to the Mixed Commission before which such vessel shall be carried or sent for adjudication. He shall deliver to the master of the detained vessel a signed certificate of the papers seized on board the same, as well as of the number of Slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certificate of the papers seized, he shall

mandante, sob sua responsabilidade, julgar que se poderá chegar com mais brevidade.

**ARTIGO II.** Todas as vesse que hum navio de qualquer das Marinhais Reaes, devidamente autorizado, como acima fica dito, encontrar huma embarcação que esteja no caso de ser visitada na forma das estipulações do dito Tratado, será a visita feita com a maior moderação, e com toda a atenção que se deve observar entre nações amigas e aliadas; e em todos os casos será esta visita feita por hum official cujo posto não seja inferior ao de tenente nas respectivas Marinhais da Gran Bretanha e de Portugal; salvo se o commando, por motivo de morte, ou por qualquer outra circunstancia, recarhar em official de patente inferior, ou se official que fixer a visita fôr a esse tempo o segundo commandante de navio que fixer essa visita.

**ARTIGO III.** O commandante de qualquier navio das duas Reaes Marinhais, devidamente autorizado como acima fica dito, que detiver qualquier embarcação em observancia do theor das presentes Instruccões, fará por escripto, no tempo da detenção, huma declaração authentica que mostre o estado em que achou a embarcação detida; a qual declaração deverá ser por elle assignada; e será dada ou mandada, juntamente com a embarcação capturada, o Commissoão Mixta, perante a qual a dita embarcação será levada ou mandada para ser julgada; e deverá entregar ao mestre da embarcação detida huma certidão assignada dos papeis apprehendidos abordo, assim como do numero dos Escravos achados no acto da detenção.

Na declaração authentica que por este Artigo se exige do appreendor, bem como na certidão dos papeis apprehendidos, deverá elle

insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have been made, and the number of Slaves found on board the vessel at the time of the detention.

When the commander of the cruiser shall not think proper to take upon himself to carry in and deliver up the detained vessel, he shall not intrust that duty to an officer below the rank of lieutenant in the Navy, unless it be to the officer who at the time shall not be lower than third in command of the detaining ship.

The officer in charge of the vessel detained shall, at the time of bringing the vessel's papers before the Mixed Commission, deliver in to the Court a paper, signed by himself and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in such papers.

**ARTICLE IV.** No part of the crew, or passengers, or of the cargo, or of the Slaves found on board the vessel seized, shall be withdrawn from it, until the said vessel shall have been delivered over to one of the Mixed Commissions; unless the transfer of the whole or part of the crew or passengers, or of the whole or part of the Slaves found on board, should be considered necessary, either to preserve their lives, or for any other humane consideration, or for the safety of the persons charged with the conduct of the vessel after its seizure; in which case the commander of the cruiser, or the officer charged with the said seized vessel, shall draw out a certificate, in which he shall declare the reasons of the said transfer; and the com-

inserir o seu proprio nome, o nome do navio aprezzador, a latitude e longitude do lugar onde a detenção tiver sido feita, e a numero dos Escravos achados abordo da embarcação quando detida.

Quando o commandante do cruzador não julgar dever tomar sobre si o conduzir e entregar a embarcação detida, não confiará esse serviço a nemhum official de patente inferior á de tenente de Marinha, salvo se fôr a algum official que a esse tempo não seja inferior ao terceiro em commando do navio aprezzador.

O oficial encarregado da embarcação detida deverá, quando levar os papeis da embarcação perante a Comissão Mixta, entregar ao tribunal hum relatorio por elle assinado, e authenticado por jaramento, de quaesquer mudanças que possam ter occorrido a respeito da embarcação, da sua tripulação, Escravos, se os houver, e da sua carga, entre o periodo da sua detenção, e o tempo da entrega do dito relatorio.

**ARTIGO IV.** Parte alguma da tripulação ou dos passageiros, da carga ou dos Escravos achados abordo da embarcação aprezzada, será tirada della, até que a dita embarcação tenha sido entregue a huma das Comissões Mixtas; salvo se a transferencia de toda ou parte da tripulação, ou dos passageiros, ou de todo ou parte dos Escravos achados abordo, se julgar necessaria, quer seja para lhes conservar a vida, ou por qualquer outra consideração de humanidade, quer seja para segurança, das pessoas encarregadas de conduzir a embarcação depois da sua detenção; em o qual caso o commandante do cruzador, ou o official encarregado da dita embarcação detida, lavrará hum termo em que declare as razões da dita transferencia; e os

manders, sailors, or passengers, thus transferred, shall be conducted to the same port as the vessel and its cargo.

The undersigned Plenipotentiaries have agreed, in conformity with Article XIV of the Treaty signed by them on this day, the third of July, 1842, that the preceding instructions, consisting of four Articles, shall be annexed to the said Treaty, and shall be considered an integral part thereof.

The third day of July, one thousand eight hundred and forty-two.

(L.S.) HOWARD DE WALDEN.

commandantes, marinheiros, os passageiros, assim transferidos, serão conduzidas no mesmo porto aonde fôr a embarcação e carga.

Os Plenipotenciarios abaixo assinados convieram, na conformidade do Artigo XIV do Tratado assignado por elles neste dia tres de Julho, de 1842, que as Instruções precedentes, que constam de quatro Artigos, serão annexadas ao dito Tratado, e consideradas como parte integrante delle.

Aos trez dias de Julho, de mil oitocentos e quarenta e dous.

(L.S.) DUQUE DE PALMELLA.

*Annex B to the Treaty between Great Britain and Portugal, upon Slave Trade, of the 3rd day of July, 1842.*

*Regulations for the Mixed Commissions which are to adjudge the cases of Vessels under the Treaty between Great Britain and Portugal, upon Slave Trade, of the 3rd day of July, of one thousand eight hundred and forty-two.*

**ARTICLE I.** The Mixed Commissions to be established under the provisions of the Treaty, of which these Regulations are declared to be an integral part, shall be composed in the following manner:—

Each of the two High Contracting Parties shall name a commissioner and an arbitrator, who shall be authorized to hear and to decide, without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The com-

*Annexo B ao Tratado entre a Gran Bretanha e Portugal, sobre o Trafico da Escravatura, aos trez dias de Julho, de mil oitocentos e quarenta e dous.*

*Regulamento para as Comissões Mixtas que devem julgar os casos das embarcações na conformidade do Tratado entre a Gran Bretanha e Portugal, sobre o Trafico da Escravatura, de tres de Julho, de mil oitocentos e quarenta e dous.*

**ARTIGO I.** As Comissões Mixtas que se estabelecerem na forma das estipulações do Tratado do qual este Regulamento se declarado formar parte integrante, serão compostas da maneira seguinte:—

Cada huma das duas Altas Partes Contractantes nomeará hum Commissario e hum arbitro, que serão autorizados a tomar conhecimento, e a julgar sem appelação, todos os casos de preza ou detenção de embarcações, que em observancia das estipulações do dito Tratado, forem levados pe-

missioners' and the arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal magistrate of the places in which such Commissions respectively shall reside, that they will judge fairly and faithfully; that they will have no preference, either for the claimants or the captors; and that they will act, in all their decisions, in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Commissions a secretary or registrar, who shall be appointed by the Sovereign in whose territories such Commission shall reside. Such secretary or registrar shall register all the acts of such Commission, and shall, previously to entering upon his office, make oath before the Commission to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the secretary or registrar of the Commissions which are to be established in the dominions of Her Britannic Majesty, shall be paid by Her said Majesty; and that of the secretary or registrar of the Commissions which are to be established in the colonial possessions of Portugal, shall be paid by Her Most Faithful Majesty.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such Commissions.

**ARTICLE II.** The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, Slaves, and cargo, and with the execution of the sentence; and all disbursements occasioned by bringing a

rante elles. Os commissarios e os arbitros, antes de entrarem no exercicio das funções de seu cargo, deverão respectivamente prestar juramento perante o principal magistrado dos lugares onde as mencionadas Comissões residirem, de que hão de julgar justa e fielmente; e de que não darão preferencia nem aos reclamantes nem aos apreendidos; assim como de que hão de obrar, em todas as suas decisões, na conformidade das estipulações do sobreditio Tratado.

A cada huma destas Comissões esterá agregado hum secretario ou oficial de registro, nomeado pelo Soberano em cujos territorios residir a tal Comissão; o qual secretario ou oficial de registro registrará todas as actas dessa Comissão; devendo, antes de entrar no exercicio do seu cargo, prestar juramento perante ella, de que se ha de conduzir com o respeito devido, á autoridade da dita Comissão, e portarse com fidelidade e imparcialidade em todas as materias relativas ao seu respectivo cargo.

O ordenado do secretario ou oficial de registro das Comissões que se estabelecerem nos dominios de Sua Magestade Britannica, será pago por Sua dita Magestade; e o do secretario ou oficial de registro das Comissões que se estabelecerem nas possessões coloniaes de Portugal, será pago por Sua Magestade Fidelissima.

Cada hum dos Governos satisfará metade da importancia total das despesas eventuais das ditas Comissões.

**ARTIGO II.** As despesas que fizer o oficial encarregado da recepção, manutenção, e cuidado da embarcação, Escravos, e carga detidos, e as que se fizerem com a execução da sentença; bem como todos os gastos occasionados por

vessel to adjudication; shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the vessel, after the same shall have been broken up, of the vessel's stores, and of such part of the cargo as shall consist of merchandize; and in case the proceeds arising from this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor; excepting in the cases specified and otherwise provided for under Article X of the Treaty to which these Regulations form an Annex, and under Article VII of these Regulations.

**ARTICLE III.** The Mixed Commissions are to decide upon the legality of the detention of such vessels as the cruisers of either nation shall, in pursuance of the said Treaty, detain.

These Commissions shall judge definitively, and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Commissions shall take place with as little delay as possible; and, for this purpose, the Commissions are required to decide each case, as far as may be practicable, within the space of twenty days, to be counted from the day on which the detained vessel shall be brought into the port where the deciding Commission shall reside.

The final sentence shall not, in any case, be delayed beyond the period of two months, either on account of the absence of witnesses, or for any other cause; except

levar huma embarcação a ser julgada; serão pagos, no caso della ser condenada, pelos fundos que provierem da venda dos materiais da embarcação, depois que for desmanchada, das provisões della, e daquelle parte da carga que consistir em mercadorias; e no caso que o producto da venda de tudo isto não seja suficiente para pagar tás despezas, será pre-encimdo o que faltar, pelo Governo do país em cujo territorio tiver sido condemnada a embarcação.

Se porém ella ficar desempedida, serão as despezas occasionadas por a levar a ser julgada, pagas pelo aprezador; excepto nos casos especificados, e de outra forma regulados no Artigo X do Tratado a que este Regulamento está anexo, e no Artigo VII deste Regulamento.

**ARTIGO III.** As Comissões Mixtas decidirão da legalidade da detenção daquellas embarcações que os cruzadores da huma ou outra nação detiverem na conformidade do dito Tratado.

Estas Comissões julgarão definitivamente, esem appellação, todas as questões que se suscitem pelas apreensões e detenção de tásas embarcações.

O procedimento destas Comissões terá lugar com a menor demora possível; e para esse fim se exige que as Comissões decidam cada cazo, quanto possa ser praticável, dentro do espaço de vinte dias, contados do dia em que a embarcação detida tiver sido levada ao porto onde residir a Comissão que a ha de julgar.

Em caso nemhum será demorada a sentença final além do período de doua meses, quer seja por motivo d'auencia das testemunhas, quer seja por outra qualquer re-

upon the application of any of the parties interested; in which case, upon such party or parties giving satisfactory security, that they will take upon themselves the expense and risk of the delay, the Commission may, at their discretion, grant an additional delay not exceeding four months.

Either party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

The proceedings of the said Mixed Commissions shall be open to the public; and all the essential parts of the proceedings of the said Commissions shall be written down in the language of the country in which the Commissions shall respectively reside.

ARTICLE IV. The form of the process shall be as follows:—

The commissioners appointed by the two Governments, respectively, shall, in the first place, examine the papers of the detained vessel, and take the depositions of the master or commander, and two or three, at least, of the principal individuals on board of such vessel; as well as the declaration, on oath, of the captor, should such declaration appear necessary, in order to enable them to judge and pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty; and in order that the vessel may be condemned or released accordingly.

In the event of the two commissioners not agreeing as to the sentence which they ought to pronounce in any case brought before them, either with respect to the legality of the detention, the liability of the vessel to condemnation, or the indemnification to be allowed, or as to any other question which may arise out of the said capture; or if any difference of opinion

zão; excepto se fôr a requerimento de qualquer das partes interessadas; no qual caso, dando a mesma parte ou partes fiança idonea de que tomam sobre si a despesa e risco da demora, poderão as Comissões a seu arbitrio conceder huma dilacão adicional, que não excede a quatro mezes.

Será permittido a qualquer parte empregar aquelle advogado que julgue capaz de a coadjuvar na defesa de sua causa.

As sessões das ditas Comissões Mixtas serão publicas; e todas as partes essenciais dos processos que instaurarem serão escriptas na lingoa do país em que respectivamente residirem as mesmas Comissões.

ARTIGO IV. A forma do processo será a seguinte:—

Os commissarios respectivamente nomeados pelos doux Gouvernos examinarão, em primeiro lugar, os papeis da embarcação detida, e tomarão os depoimentos do mestre ou commandante, e de doux ou trez, pelo menos, dos principaes individuos de bordo da dita embarcação, assim como a declaração jurada do aprezador, se acaso paracer necessaria, afim de se habilitarem a julgar e sentenciar se a mesma a embarcação foi ou não justamente detida segundo as estipulações do sobredito Tratado, e afim de que nessa conformidade elle fique condemnada ou desempenvida.

Acontecendo que os doux commissarios não concordem na sentença que devem proferir sobre qualquer caso perante elles proposto, ou seja a respeito la legalidade da detenção, ou de a embarcação estar ou não nos termos de dever ser condemnada, ou ácerca da indemnização que se deve conceder, ou sobre qualquer outra questão que possa resultar do mencionado

should arise between them, as to the mode of proceeding in the said Commission,—they shall draw by lot the name of one of the two arbitrators so appointed as aforesaid; which arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned commissioners; and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

**ARTICLE V.** If the detained vessel shall be restored by the sentence of the Commission, the vessel and her cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Commission, claim to have a valuation made of the amount of the dainages which he may have a right to demand. The captor himself, and in his default his Government, shall remain responsible for the damages to which the master of such vessel, or the owners of the vessel, or of her cargo, may be pronounced to be entitled.

The two High Contracting Parties bind themselves to pay, within the time of a year from the date of the sentence, the costs and damages which may be awarded by the above-mentioned Commission; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject.

**ARTICLE VI.** If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the Negroes or others who shall have been brought on board for the purpose of being con-

aprezzamento; ou no caso que se suscite alguma diferença de opinião quanto ao modo de proceder da dita Comissão; tirarão elles à sorte o nome de hum dos dous arbitros nomeados como acima se disse; o qual, depois de ter examinado todo o processo, conferenciari sobre o caso com os dous supramencionados commissarios: proferindo-se então a decisão ou sentença final, na conformidade da opinião de maioria dos trez.

**ARTIGO V.** Se a embarcação detida fôr mandada restituir por sentença da Comissão, serão a embarcação e a sua carga logo entregues, no estado em que então se acharem, ao mestre ou á pessoa que o representar; podendo o dito mestre ou a tal pessoa requerer, perante a mesma Comissão, que se lhe faça huma avaliação da importancia das indemnizações que possa ser direito a reclamar. O mesmo aprezador, e ne falta delle o seu Governo, ficará responsável pelos prejuizos a que possão vir a ter direito o mestre da dita embarcação, ou os donos della ou da sua carga.

As duas Altas Partes Contratantes se obrigão a pagar no prazo de hum anno, contado da data da sentença, as custas e prejuizos que forem julgados pela sobredita Comissão; ficando mutuamente entendido e convencionado, que tais custas e prejuizos serán pagos pelo Governo do paiz de que fôr subdito o aprezador.

**ARTIGO VI.** Se a embarcação detida fôr condemnada, será declarada bôa preza, juntamente com a sua carga, de qualquer qualidada que ella seja, á excepção dos Negros ou outros que tiverem sido trazidos a seu bordo para o fim de serem reduzidos á Escravidão.

signed to Slavery; and the said vessel, in conformity with the regulations in Article XI of the Treaty of this date, shall, as well as her cargo, be sold by public sale, for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

The Slaves shall receive from the Commission a certificate of emancipation: and shall be delivered over to the Government to whom belongs the cruiser which made the capture, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty, marked C.

The charges incurred for the support and for the return voyage of the commanders and crews of condemned vessels, shall be defrayed by the Government of which such commanders and crews are the subjects.

**ARTICLE VII.** The Mixed Commissions shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Commissions; and in all cases wherein restitution of such vessels and cargoes shall be decreed (save as mentioned in Article X of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations), the Commissions shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention, that is to say:—

dita embarcação, segundo a que se acha estipulado no Artigo XI do Tratado desta data, será, assim como a sua carga, vendida em leilão, a beneficio dos dous Governos obrigados ao pagamento das despesas supramencionadas.

Os Escravos receberão da Comissão huma carta de alforria, e serão entregues ao Governo a que pertencer o cruzador que fez a captura, para serem tratados na forma dos regulamentos e condições contidas no Anexo a esse Tratado debaixo da letra C.

As despezas feitas para a manutenção e tornaviagem dos comandantes e tripulação das embarcações condenadas, serão pagas pelo Governo de que forem subditos os taes commandantes e tripulações.

**ARTIGO VII.** As Comissões Mixtas tambem conhecimento, e sentenciarão definitivamente e sem appellação, todas as reclamações de indemnização por perdas causadas ás embarcações e cargas que houverem sido detidas, segundo as estipulações deste Tratado, mas que não tiverem sido julgadas bôa preza pelas ditas Comissões: e em todos os casos em que fôr ordenada a restituição de taes embarcações e carga (salvo os mencionados no Artigo X do Tratado, e em huma subsequente parte deste Regulamento que lhe está annexo), deverão as Comissões julgar ao reclamante, ou reclamantes, ou ao seu bastante procurador ou procuradores, a beneficio delle ou delles, huma justa e completa indemnização de todas as custas do processo, e de todas as perdas e danños que o dono ou donos tiverem effectivamente sofrido por hum semelhante apreendimento ou detenção; a saber:—

*First.* In case of total loss, the claimant or claimants shall be indemnified,—

a. For the ship, her tackle, equipment, and stores.

b. For all freights due and payable.

c. For the value of the cargo of merchandise, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

d. For all other regular charges in such case of total loss.

*Secondly.* In all other cases, save as hereinafter mentioned, not of total loss, the claimant or claimants shall be indemnified,—

a. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable.

b. For demurrage, when due, according to the Schedule annexed to the present Article.

c. For any deterioration of the cargo.

d. For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest, at the rate of five per cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnification shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, however, have agreed that if it shall be proved to the satisfaction of the commissioners of the two nations, and without having recourse to the decision of an arbitrator, that the captor has been led

*Prime.* Em caso de perda total, a reclamante ou reclamantes serão indemnizados,—

a. Do casco da embarcação, de seu mastil, aparelho, e mantimentos.

b. De todos os fretes vencidos a vencer.

c. Do valor da carga do gênero, se a houver, deduzidos todos os gastos e despesas que se fixar com a venda de tal carga, incluse a comissão de venda.

d. De todas as outras despesas usuárias em semelhante caso de perda total.

*Segundo.* Em todos os outros casos em que a perda não for total, salvo os abaixo mencionados, serão o reclamante ou reclamantes indemnizados,—

a. De todos os prejuízos e despezas específicas causadas à embarcação por ter sido detida, e da perda do frete vencido ou a vencer.

b. Da estalagem, quando se deva, na conformidade da Tabella anexa ao presente Artigo.

c. De qualquer deterioração da carga.

d. De todo o premio de seguros sobre aumento de risco.

O reclamante ou reclamantes terão direito ao juro, na razão de cinco por cento ao anno, da somma que lhes for julgada, até que seja paga pelo Governo a que pertence o navio apreendido. A importância total desta indemnização será calculada na moeda do paiz a que pertencer a embarcação detida, e será liquidadada ao cambio corrente do dia da sentença.

As duas Altas Partes Contratantes convieram todavia se se privar de medo que satisfaya os comissários de ambas as nações, sem lhes ser preciso recorrer à decisão de hum árbitro, que o apreendido fora induzido em

into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article: nor any other compensation for losses, damages, or expenses consequent upon such detention.

*Schedule of demurrage, or daily allowance for a vessel of*

Tons	100 to 120 inclusive	£5 per diem,
121	150	6 "
151	170	8 "
171	200	10 "
201	220	11 "
221	250	12 "
251	270	14 "
271	300	15 "

and so on in proportion.

**ARTICLE VIII.** Neither the commissioners, nor the arbitrators, nor the secretaries of the Commissions, shall demand or receive from any of the parties concerned in the cases which shall be brought before the Commissions, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such commissioners, arbitrators, or secretaries have to perform.

**ARTICLE IX.** When the parties interested shall imagine they have cause to complain of any evident injustice on the part of the Mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence for the prevention of such injustice for the future.

**ARTICLE X.** The two High Contracting Parties have agreed that, in the event of the death, sickness, absence on leave, or any other legal impediment, of one or

por culpa do mestre ou do comandante da embarcação detida, que neste caso não terá direito a dito embarcação a receber, pelo tempo da sua detenção, a estalía estipulada no presente Artigo, nem qualquer outra indemnização pelas perdas e danos, ou despesas procedentes da mesma detenção.

*Tabella da estalía, ou indemnização diária das despesas da demora, de huma embarcação de*

Toneladas	Libras
100 á 120 inclusive	5 por dia,
121	150 "
151	170 "
171	200 "
201	220 "
221	250 "
251	270 "
271	300 "

e assim á proporção.

**ARTIGO VIII.** Nem os comissários, nem os árbitros, nem os secretários das Comissões, pedirão ou receberão de qualquer das partes interessadas nos casos propostos perante as Comissões, emolumento ou dadiva alguma, debaixo de qualquer pretexto que seja, pele desempenho dos deveres que tem de cumprir.

**ARTIGO IX.** Quando as partes interessadas julgarem ter motivo para se queixarem de alguma injustiça manifesta da parte das Comissões Mixtas, poderão representá-la aos seus respectivos Governos, que se reservam o direito de se entenderem mutuamente para prevenir tal injustiça para o futuro.

**ARTIGO X.** As duas Altas Partes Contractantes convieram em que no caso de falecimento, enfermidade, ausência com licença, ou outro qualquer impedimento

more of the commissioners or arbitrators composing the above-mentioned Commissions respectively, the post of such commissioners or of such arbitrators shall be supplied, *ad interim*, in the following manner :—

*Firstly.* On the part of Her Britannic Majesty, and in those Commissions which shall sit within the possessions of Her said Majesty,—if the vacancy be that of the British commissioner, his place shall be filled by the British arbitrator ; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled, successively, by the Governor or Lieutenant-Governor resident in such possessions ; by the principal magistrate of the same ; and by the secretary of the Government : and the said Commissions, so constituted as above, shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

*Secondly.* On the part of Great Britain, and in those Commissions which shall sit within the possessions of Her Most Faithful Majesty,—if the vacancy be that of the British commissioner, his place shall be filled by the British arbitrator ; and either in that case, or if the vacancy be originally that of the British arbitrator, his place shall be filled, successively, by the British Consul and British Vice-Cousul, if there be a British Consul or British Vice-Consul appointed to, and resident in, such possessions : and if the vacancy be both of the British commissioner and of the British arbitrator, then the vacancy of the British commissioner shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul,

legal, de hum ou mais dos commissarios ou arbitros que compoem respectivamente as supramencionadas Commissões, será o lugar dos ditos commissarios ou arbitros interinamente suprido da maneira seguinte :—

*Primo.* Da parte de Sua Magestade Britannica, e naquellas Commissões que se estabelecerem nas possessões de Sua dita Magestade,—se a vacancia fôr do commissario Britannico, será o seu lugar pre-enchido pelo arbitro Britannico ; e tanto naquelle caso, como se a vacancia fôr originariamente do arbitro Britannico, será o lugar delle successivamente pre-enchido pelo Governador, ou Tenente-Governador residente nas mesmas possessões ; pelo principal Magistrado ; e pelo Secretaria do Governo dellas : e as ditas Commissões, assim constituidas como acima, farão as suas sessões, e em todos os casos propostos perante ellas para serem julgados, procederão a julga-dos, e a profira sentença nessa conformidade.

*Secundo.* Da parte da Gran Bretanha, e naquellas Commissões que se estabelecerem nas possessões de Sua Magestade Fidelissima,—se a vacancia fôr do commissario Britannico, será o seu lugar pre-enchido pelo arbitro Britannico ; e tanto naquelle caso, como se ella fôr originariamente do arbitro Britannico, será o seu lugar successivamente pre-enchido pelo Consul e Vice-Consul Britannico, se houver hum Consul e Vice-Consul Britannico nomeados e residentes nas ditas possessões : mas se a vacancia fôr tanto do commissario como do arbitro Britannico, será então pre-enchida a do commissario pelo Consul Britannico, e a do arbitro pelo Vice-Consul Britannico, se houver hum Consul e hum Vice-Consul Britannico nomeados e residentes na

if there be a British Consul and British Vice-Consul appointed to, and resident in, such possessions; and if there shall be no British Consul or Vice-Consul to fill the place of British arbitrator, then the Portuguese arbitrator shall be called in, in those cases in which a British arbitrator, if there were any, would be called in; and if the vacancy be both of the British commissioner and the British arbitrator, and there be neither British Consul nor British Vice-Consul to fill, *ad interim*, the vacancies,—then the Portuguese commissioner and Portuguese arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

*Thirdly.* On the part of Portugal, and in those Commissions which shall sit within the possessions of Her Most Faithful Majesty,—if the vacancy be that of the Portuguese commissioner, his place shall be filled by the Portuguese arbitrator; and either in that case, or if the vacancy be originally that of the Portuguese arbitrator, the place of such arbitrator shall be filled, successively, by the highest civil authority resident in such possessions; by the principal magistrate of the same; and by the secretary of the Government: and the said Commission, so constituted as above, shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

*Fourthly.* On the part of Portugal, and in those Commissions which shall sit within the possessions of Her Britannic Majesty,—if the vacancy be that of the Portuguese commissioner, his place shall be filled by the Portuguese arbitrator; and either in that case, or

ditas possessões; e não havendo Consul ou Vice-Consul Britannico para pre-enchcer o lugar de árbitro Britannico, será então chamado o árbitro Portuguez, naquelles casos em que o deveria ser o Britannico, se o houvesse; mas se a vacancia fôr tanto do commissario como do árbitro Britannico, e não houver Consul nem Vice-Consul Britannico para as pre-enchcer interinamente,—farão então o commissario e o árbitro Portuguez as suas sessões, e em todos os casos propostos perante elles para serem julgados, procederão a julga-los, e a proferir sentença nessa conformidade.

*Tercio.* Da parte de Portugal, e naquellas Comissões que se estabelecerem nas possessões de Sua Magestade Fidelissima,—se a vacancia fôr do commissario Portuguez, será o seu lugar pre-enchido pelo árbitro Portuguez; e tanto naquelle caso, como se a vacancia fôr originariamente do árbitro Portuguez, será o lugar delle sucessivamente pre-enchido pela principal autoridade civil residente nas mesmas possessões, pelo principal magistrado, e pelo secretario do Governo dellas: e as ditas Comissões, assim constituidas como acima, farão as suas sessões, e em todos os casos propostos perante ellas para serem julgados, procederão a julga-los, e a proferir sentença nessa conformidade.

*Quarto.* Da parte de Portugal, e naquellas Comissões que se estabelecerem nos possessões de Sua Magestade Britannica,—se a vacancia fôr do commissario Portuguez, será o seu lugar pre-enchido pelo árbitro Portuguez; e tanto naquelle caso como se ella fôr

if the vacancy be originally that of the Portuguese arbitrator, his place shall be filled, successively, by the Portuguese Consul and Portuguese Vice-Consul, if there be a Portuguese Consul and Portuguese Vice-Consul appointed to, and resident in, such possession: and if the vacancy be both of the Portuguese commissioner and of the Portuguese arbitrator, then the vacancy of the commissioner shall be filled by the Portuguese Consul, and that of the Portuguese arbitrator by the Portuguese Vice-Consul, if there be a Portuguese Consul and a Portuguese Vice-Consul appointed to, and resident in such possessions; and in the case in which there be no Portuguese Consul or Portuguese Vice-Consul to fill the place of Portuguese arbitrator, then the British arbitrator shall be called in, in those cases in which a Portuguese arbitrator, were there any, would be called in; and in case the vacancy be both of the Portuguese commissioner and Portuguese arbitrator, and there be neither Portuguese Consul nor Portuguese Vice-Consul to fill, *ad interim*, the vacancies,—then the British commissioner and arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Commissions shall sit, in the event of a vacancy arising either of the commissioner or the arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period; and each of the High Contracting Par-

originariamente de árbitro Portuguez, será o seu lugar sucessivamente preenchido pelo Consel Vice-Consul Portuguez, se houver hum Consul ou Vice-Consul Portuguez nomeados e residentes nas ditas possessões: mas se a vacancia fôr tanto do commissario, como do árbitro Portuguez, será então preenchida a do commissario pelo Consal Portuguez, e a do árbitro pelo Vice-Consul Portuguez, se houver hum Consul e hum Vice-Consul Portuguez nomeados e residentes nas ditas possessões; e não havendo Consul ou Vice-Consul Portuguez para preencher o lugar do árbitro Portuguez, sei então chamado o árbitro Britânico naquelles casos em que o deveria ser o Portuguez, se o houvesse; mas se a vacancia fôr tanto do commissario como do árbitro Portuguez, e não houver Consel nem Vice-Consul Portuguez para aspre-encher interinamente,—faro então o commissarie e o árbitro Britânico as suas sessões; e em todos os casos propostos perante elles para serem julgados, procederão a julga-los, e a proferir sentença nessa conformidade.

A principal autoridade civil do estabelecimento onde houver de residir qualquer das Commissas Mixtas, deverá, no caso de ocorrer alguma vacancia, ou seja o commissario ou do árbitro da outra Alta Parte Contractante, dar logo parte della á principal autoridade civil do estabelecimento mais proximo da dita outra Alta Parte Contractante, assim de que essa vacancia se possa preencher no mais breve periodo possivel: e cada huma das Altas Partes Contractantes

ties agree to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned Commissions from death, or from any other cause whatever.

ARTICLE XI. The Mixed Commissions shall transmit annually to each Government, a report relating,—

1. To the cases which have been brought before them for adjudication.

2. To the state of the liberated Negroes.

3. To every information which they may be able to obtain respecting the treatment and progress made in the religious and mechanical education of the liberated Negroes; and such report shall, under the authority of the Government, be annually published in each country.

The undersigned Plenipotentiaries have agreed, in conformity with the XIVth Article of the Treaty signed by them on this day, the third of July, one thousand eight hundred and forty-two, that the preceding Regulations, consisting of eleven Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

The third day of July, one thousand eight hundred and forty-two.

(L.S.) HOWARD DE WALDEN.

tantes concorda em pre-encher definitivamente e mais depressa possível, as vacâncias que por falecimento ou outra qualquer causa possam ocorrer nas supramencionadas Comissões.

ARTIGO XI. As Comissões Mixtas deverão transmittir todos os annos ao respectivo Governo, um relatorio concernente,—

1º. Aos casos que forem propostos perante elles para serem julgados.

2º. Ao estado dos Negros libertados.

3º. A qualquer informação que possam obter a respeito do tratamento, e progresso feito na educação religiosa e mecanica dos Negros libertos; devendo o dito relatorio ser annualmente publicado em cada paiz, com autorização do Governo.

Os Plenipotenciarios abaixo assinados, na conformidade do Artigo XIV do Tratado por elles assinado neste dia trez de Julho, de mil oitocentos e quarenta e dous, convieram em que o presente Regulamento, que consta de onze Artigos, seja annexado ao dito Tratado, e considerado como parte integrante delle.

Aos trez dias de Julho, de mil eitecentos e quarenta e dous,

(L.S.) DUQUE DE PALMELLA.

*'Annex C to the Treaty between Great Britain and Portugal, upon Slave Trade, of the third day of July, one thousand eight hundred and forty-two.*

*Regulations in respect to the treatment of liberated Negroes.*

**ARTICLE I.** The object and purpose of the letter and spirit of these Regulations is to secure to Negroes and others, liberated in virtue of the stipulations of the Treaty to which these Regulations form an Annex (marked C), permanent good treatment, and full and complete emancipation, in conformity with the humane intentions of the High Contracting Parties.

**ARTICLE II.** Immediately after sentence of condemnation upon a vessel charged with being concerned in illegal Slave Trade shall have been passed by the Mixed Commissions established under the Treaty to which these Regulations form an Annex, all Negroes or others who were on board of such vessel, and who were brought on board for the purpose of being consigned to Slavery, shall be delivered over to the Government to whom belongs the cruiser which made the capture.

**ARTICLE III.** The Negroes so liberated and delivered over to such Government, shall be placed under the care and superintendence of a Board consisting of two members or commissioners, with a power to call in a third member under the circumstances hereinafter stated.

In those colonies or possessions of Her Britannic Majesty in which, under the Treaty to which these Regulations form an Annex, Mixed Commissions are to sit, the Boards of Superintendence of the liberated

*Annex Cao Tratado entre a Grã-Bretanha e Portugal, sobre o Trafico da Escravatura, sobre dia de Julho, de mil e quarenta e dois.*

*Regulamento relativo ao tratamento dos Negros libertos.*

**ARTIGO I.** O objecto e final da letra e espirito deste Regulamento he assegurar aos Negros e outros libertados em virtude das stipulações do Tratado a que este Regulamento está anexo (em que marca C), bom tratamento permanente, e huma plena e completa alforria, na conformidade das boas intenções das Altas Partes Contractantes.

**ARTIGO II.** Logo depois que a sentença de condenação de hau embarcação accusada de ester implicada no ilícito Trafico de Escravatura, tiver sido proferida pelas Comissões Mixtas establecidas em virtude do Tratado a que este Regulamento está anexo, todos os Negros ou outros que estiverem a seu bordo, e que forem trazidos para elle com o fim de serem reduzidos á Escravidão, serão entregues ao Governo a que pertencer o cruzador que tiver feito o apreendimento.

**ARTIGO III.** Os Negros assim libertos, e entregues a esse Governo, serão postos debaixo do cuidado da superintendencia de huma junta composta de dous membros e commissarios, autorisados a convocar hum terceiro quando derem as circunstancias abaixo especificadas.

Naquellas colonias ou possessões de Sua Magestade Britannica que em virtude do presente Tratado houverem de residir as Comissões Mixtas, serão as Juntes de Superintendencia dos Negros.

Negroes shall consist of the Governors of the said colonies or possessions, and of the Portuguese commissioners in the said Mixed Commissions; and when the Portuguese commissioners are absent, then the Portuguese arbitrators of the said Mixed Commissions shall sit, in the place of the commissioners, in the Boards of Superintendence of liberated Negroes.

In those colonies or possessions of Her Most Faithful Majesty in which, under the present Treaty, Mixed Commissions are to sit, the Boards of Superintendence of the liberated Negroes shall consist of the Governors of those colonies or possessions, and of the British commissioners in the said Mixed Commissions; and when the British commissioners are absent, then the British arbitrators of the said Mixed Commissions shall sit, in the place of the commissioners, in the Boards of Superintendence of liberated Negroes.

The several members of the Boards of Superintendence shall, before entering upon their offices, respectively take an oath, in presence of the principal magistrate of the place, that they will faithfully execute their office without favour or partiality, according to the true intent and meaning of these Regulations.

**ARTICLE IV.** In order the better to carry into effect the purposes intended by the present Regulations, a person of known probity and humanity shall be selected and appointed by the Board of Superintendence, to act under its directions, with the title of Curator of liberated Negroes; and such Curator may, under the sanction of the Board, employ such persons as may be necessary, to assist him in the execution of his duties.

The Curator, so appointed, shall,

compostas dos Governadores dasquellas colonias ou possessões, e dos commissarios Portuguezes das ditas Commissões Mixtas: e quando os commissarios Portuguezes estiverem ausentes, então os arbitros Portuguezes das mesmas Commissões Mixtas tomarão assento, em lugar dos commissarios nas Juntas de Superintendencia dos Negros libertos.

Naquellas colonias ou possessões de Sua Magestade Fidelissima donde, em virtude do Tratado a que este Regulamento está annexo, houverem de rearidar as Commissões Mixtas, serão as Juntas de Superintendencia dos Negros libertos compostas dos Governadores das ditas colonias ou possessões, e dos commissarios Britannicos das ditas Commissões Mixtas; e quando os commissarios Britannicos estiverem ausentes, então os arbitros Britanicos das mesmas Commissões Mixtas tomarão assento, em lugar dos commissarios, ás Juntas de Superintendencia dos Negros libertos.

Os diferentes membros das Juntas de Superintendencia, antes de entrarem no exercicio de suas respectivas funções, deverão prestar juramento perante o principal magistrado do lugar, de fielmente desempenharem seus cargos, sem favor ou parcialidade, na conformidade da verdadeira intenção e intelligencia deste Regulamento.

**ARTIGO IV.** Para melhor lavar a effeito o fim que se tem em vista no presente Regulamento, será escolhida e nomeada pela Junta de Superintendencia, para obrar debaixo da sua direcção, com o titulo de Curador dos Negros libertos, huma pessoa con conhecida probidade e humanidade, que poderá, com authorisação da Junta, empregar as pessoas que sejão necessarias para o co-adjuvarem no cumprimento dos seus deveres.

O Curador, assim nomeado, de-

Previously to his entering on the duties of his office, take before the Board of Superintendence an oath in the following words:—

I, A. B., do solemnly swear that I will act, to the best of my skill and knowledge, faithfully and impartially in the execution of my office; and that I will conduct myself with due respect to the authority of the Board of Superintendence of liberated Negroes to which I am attached.

So help me God.

ARTICLE V. The Curator of the liberated Negroes shall be personally present at the delivery of the Negroes to the person charged by the Government to receive them, after the sentence of emancipation is passed, as specified in Article II of these Regulations.

Duplicate original receipts for the Negroes delivered over to the Government, specifying the number of each sex, shall, at the time when they are delivered as aforesaid, be made out and signed by the officer receiving them.

One original of such receipts shall be given to the person previously in charge of the Negroes, the other shall be given to the Curator, who shall deposit the same in the registry of the Mixed Commission which adjudicated the case of the vessel in which the Negroes were captured.

At the time of the delivery of such Negroes to the Government, in the manner hereinbefore mentioned, they shall be minutely inspected by the Curator, who shall give to each Negro a name, which name shall then be entered by the Curator, in a book to be called: "Register of Emancipated Negroes," and to be kept for that purpose in the office of the Board of Superintendence; and opposite to the name shall be entered a

verá, antes de começar a exercer as funções do seu cargo, prestar perante a Junta de Superintendencia hum juramento nos seguintes termos:—

Eu, A. B., juro solenmente que hei de proceder como melhor souber entender, fiel e imparcialmente no desempenho do meu cargo, e que me hei de postar com devido respeito para com a autoridade da Junta de Superintendencia dos Negros libertos a que estou ligado.

Assim Deus me ajude.

ARTIGO V. O Curador dos Negros libertos deverá assistir pessoalmente á entrega que se fizer dos Negros á pessoa encarregada pelo Governo de os receber; depois da proferida a sentença de alforria, como se especificou no Artigo II deste Regulamento.

Quando os Negros forem entregues ao Governo, como acima se disse, deverá o oficial que os receber passar recibo destas em originais duplicados que assignará, e em que declarar o numero das de cada sexo.

Hum destes recibos originais será dado á pessoa anteriormente encarregada dos Negros, e o outro será dado ao Curador, que o depositará na secretaria do registro da Comissão Mixta, que sentenciou o caso da embarcação em que os Negros foram capturados.

No tempo em que se fizer a entrega dos ditos Negros ao Governo pela maneira acima mencionada, serão elles inspecionados com minudeza pelo Curador, que porá cada hum o seu nome, o qual lêçara em hum livro que se intitulará, "Registro dos Negros Libertos," e que para esse fim deve haver na secretaria da Junta de Superintendencia; na frente do nome se fará a descrição da pessoa, da sua idade provável,

description of the person, with the probable age, with the bodily marks, and with any particulars which can be ascertained regarding the family and nation of such Negro; together with the name of the vessel in which he was captured.

Each Negro shall then be marked on the upper part of the right arm with a small silver instrument, bearing for its device a symbol of freedom.

ARTICLE VI. The Board of Superintendence shall then make known by the public papers its intention to apprentice out the Liberated Negroes; and after seven days have elapsed from the announcement of such intention, the hiring or apprenticing of the Negroes shall take place, either by public auction or by tender, as may be thought best; and the Negroes shall then be distributed to their hirers, upon the conditions and stipulations hereinafter mentioned, which conditions and stipulations shall be published at the time of auction or tender, and shall also be embodied in a contract or indenture, to be entered into formally between the hirer and the aforesaid Board. The contract or indenture shall be made out in duplicates; it shall be in print and not in writing; one copy of it shall remain with the hirer, and the other with the Board, under the care of the Curator.

When the sums offered by two or more different persons for the hiring of a Negro are equal, preference shall be given to the person who will undertake to employ such Negro as a mechanic or as a domestic servant.

ARTICLE VII. The period of service for which apprentices shall be bound, shall be seven years for all Negroes who, at the time of

signáes corpóreas, e de quaisquer particularidades que se possa verificar acerca da família e nação de tal Negro; bem como se lhe-ará o nome da embarcação em que foi capturado.

Cada a Negro sera entâe marca do na parte superior do braço direito com hum pequeno instrumento de prata, que terá por deviza hum symbolo de liberdade.

ARTIGO VI. A Junta de Superintendencia deverá então fazer constar pelos papeis publicos a sua intenção de pôr a aprendizes os Negros libertos; e passados sete dias depois de feito este annuncio, terá lugar o assoldadar ou dar para aprendizes os Negros em leilão publico, ou per propostos particulares, como se julgar melhor; sendo então distribuidos os Negros pelas pessoas que os tomarão de soldada, com as condições e estipulações abaixo mencionadas, que serão publicados ao tempo de leilão ou nas propostas; assim como serão incorporadas em huma escriptura ou instrumento que se ha de celebrar, com todas as formalidades, entre quem os tomar de soldada e a dita Junta. Esta escriptura ou instrumento será feita em duplicado, impressa e não escripta, ficando huma copia della em poder de quem os tomar de soldada, e a outra em poder da Junta, debaixo do cuidado do Curador.

Quando as quantias por duas ou mais diferentes pessoas oferecidas de soldada por hum Negro, forem iguáes, dar-se ha a preferencia á pessoa que se encarregar de empregar esse Negro como oficial mecanico ou como criado de servir.

ARTIGO VII. O tempo de serviço a que os aprendizes hão de estar obrigados, deverá ser de sete annos para todos os Negros que, ao

hiring, are above thirteen years of age; but three of the seven years may be afterwards remitted, at the discretion of the Board, upon the recommendation of the master, and upon proof that the apprentice is capable of earning an honest livelihood, and is worthy of such indulgence.

The apprenticeship of Negroes who, at the time of hiring, are under thirteen years of age, shall continue till the age of twenty, subject to a diminution of that term, at the discretion of the Board, upon due proof being given that the apprentice is worthy of such indulgence, and is capable of maintaining himself.

**ARTICLE VIII.** When more apprentices than one are confided to the same master, care shall be taken to select for that purpose such as are of the same African nation, and, if possible, of the same family; and in no case shall a child under fourteen years of age be separated from its mother; but such child shall always be apprenticed to the same master with its mother.

**ARTICLE IX.** The name and address of the master, together with the name and position of the estate or house where the liberated Negro is to be resident, shall be inserted opposite to the name of the Negro in his contract or indenture.

**ARTICLE X.** No Negro shall be apprenticed to any master who resides more than twenty English miles from the town where the Mixed Commission, by which he was liberated, is established; and if any master, to whom such Negro shall have been so apprenticed, shall afterwards change his residence, he shall be required to give immediate notice thereof to the Curator.

tempo de se assoldadarem, tiverem mais de treze annos d'idade; porém tres desses sete annos poderão depois ser perdoados ao arbitrio da Junta, havendo recomendação do mestre, e provas de que o aprendiz he capaz de ganhar huma subsistencia honesta, e he merecedor de tal indulgência.

O serviço como aprendizes das quelles Negros que, ao tempo em que se assoldadarem, tiverem menos de treze annos d'idade, devem continuar até aos vinte annos, sujeita a diminuição deste prazo ao arbitrio da Junta, havendo es dado as devidas provas de que o aprendiz he merecedor de tal indulgência, e capaz de se manter à si proprio.

**ARTIGO VIII.** Quando se confiar ao mesmo mestre mais de humo aprendiz, haverá cuidado em escolher para esse fim os que forem de mesma nação Africana, e se fôr possível, de mesma família; não sendo em caso algum separado da sua mãe o filho ou filha que tiver menos de quatorze annos d'idade; e antes devendo hir sempre d'aprendiz com sua mãe para o mesmo mestre.

**ARTIGO IX.** O nome e morada do mestre, juntamente com o nome e situação da fazenda ou casa donde o Negro liberto tiver de residir, deverão ser inseridos em frente do nome do Negro na sua escritura ou instrumento.

**ARTIGO X.** Nemhum Negro será dado d'aprendiz a mestre algum que resida a mais de vinte milhas Inglesas do lugar em que estiver estabelecida a Comissão Mixta que o libertará; e se algum mestre a quem hum Negro seja dado d'aprendiz, mudar depois da residencia, exigir-se há que assim o participe imediatamente ao Curador.

The apprentices must always reside at that particular estate or house of the master, which is registered as being within the above-mentioned distance from the place of sitting of the Mixed Commission.

ARTICLE XI. No person shall be intrusted with one or more liberated Negroes, unless he shall prove to the Board that he possesses ample means for the employment, maintenance, and support, of such Negro or Negroes, and unless he shall make himself answerable, under the penalty of eighty dollars for each Negro, that the conditions under which such Negro is received shall be duly observed.

ARTICLE XII. The master shall engage to pay a stipulated sum for the hire of each apprentice.

The Curator may, if the amount is to be paid down in one sum, demand it previously to the hire : and if the sum is to be periodically paid, the Curator may demand the same quarterly in advance.

ARTICLE XIII. The master shall undertake :

- That the apprentice shall be maintained with wholesome and abundant food ; and shall be provided with such clothes as are usual, according to the custom of the country.

- That he shall be instructed in the truths of the Cristian religion, in order that he may be baptized before the expiration of the second year of his apprenticeship.

- That he shall be vaccinated as soon as possible after having been delivered into the charge of the master ; that in sickness he shall have proper medical advice, and shall be treated with due care and attention ; and that in case of death, he shall be decently buried at the master's expense.

Os aprendizes devem sempre residir naquella designada fazenda ou casa do mestre, que estiver registrada como situado dentro da supramencionada distancia do lugar onde se achar estabelecida a Comissão Mixta.

ARTIGO XI. A pessoa alguma se confiará hum ou mais Negros libertos, sem que prove á Junta que possue abundantes meios para empregar, manter, e sustentar, o dito Negro ou Negros : e sem que se obrigue, debaixo da multa de oitenta duros por cada Negro, a que as condições por que o recebeão de ser exactamente cumpridas.

ARTIGO XII. O mestre se obrigará a pagar a somma estipulada pela soldada de cada aprendiz ; e se a importancia houver de ser paga por huma vez, poderá o Curador exigí-la antes de o assoldadar ; e se houver de ser paga periodicamente, poderá exigí-la em quartéis adiantados.

ARTIGO XIII. O mestre se obrigará :—

- A que o aprendiz será mantido com alimentos sadios e abundantes, e será provido com o vestuário que fôr usual segundo o costume do paiz.

- Que será instruido nas verdades de religião Christã, afim de poder ser baptizado antes de expirar o segundo anno de seu tempo d'aprendiz.

- Que será vaccinado o mais depressa possível depois de haver sido entregue ao cuidado do mestre : e que nas suas molestias terá a conveniente assistencia do facultativo, e será tratado com o devido cuidado e attenção ; e no caso de falecimento, que será decentemente enterrado á custo do dito mestre.

4. That the apprentice shall be taught some useful business, or be instructed in some trade or mechanical art, whereby he may be enabled to maintain himself when the period of his service shall have expired.

5. That whenever an infant is born of any female apprentice, immediate information thereof shall be given by the master to the Board of Superintendance, in order that the fact may be duly registered.

6. That baptism of an infant, so born, shall take place within three months after its birth, and that the freedom of the child shall be recorded in the register of baptism; but that such child shall remain with its mother, and shall be maintained and treated by the master of the mother, in the same manner as an apprentice, until the apprenticeship of the mother ceases.

ARTICLE XIV. No master shall, in any case, be authorized to transfer to another master his apprenticed Negro, without the especial and written sanction of the Board; and if the master shall leave the country, or shall change his residence to a part of the country beyond the limits hereinbefore fixed for persons having apprentices, or if he shall become so reduced in his circumstances, as to be obliged to give up his establishment, then, and in any of these cases, he shall report the same to the Board, and shall bring his apprentices, and deliver them up to the said Board, by whom they shall be received, and shall afterwards be apprenticed to another master for the remainder of the period which such apprentices may have to serve, and under the same conditions as those imposed upon the first master. But in no case shall the master be allowed to deliver up his

4º. Que se ensinarei ao aprendiz alguma ocupação util, ou que seja instruído em algum comércio ou ofício mecanico, por onde fique habilitado a poder manterse quando tiver expirado o tempo de seu serviço.

5º. Que quando nascer dum filho de alguma aprendiz, faze o mestre imediata participação desse acontecimento á Junta de Superintendencia, afim de que semelhante facto seja devidamente registrado.

6º. Que o baptismo da huma creança nascida em tás circunstancias terá lugar dentro de tres meses depois do seu nascimento, e que o seu estado de liberdade será declarado no assento de baptismo; mas que a dita creança ficará com a sua mãe, até que esta acabe o seu tempo de aprendizado, e seja sustentada e tratada pelo mestre della do mesmo modo que hum aprendiz.

ARTIGO XIV. Nenhum mestre será autorizado, em caso algum, a trespassar a outro mestre o seu aprendiz Negro, sem permissione especial e por escrito da Junta; e se o mestre houver de sair de paiz, ou tiver de mudar a sua residencia para huma outra parte situada além dos limites acima prescritos para as pessoas que tem aprendizes; ou se vier a huma tão transtornado de fortuna, que se veja obrigado a deixar o seu estabelecimento, então e em cada hum destes casos, deverá elle participalo á Junta, á qual levará e entregará os seus aprendizes, que serão por ella recibidos, e dados depois a outro mestre pelo espaço de tempo que tiverem ainda de servir, debaixo das mesmas condições anteriormente impostas ao primeiro mestre. Em caso nenhum mestre será permitido ao mestre entregar o seu aprendiz a alguma outra autoridade que não seja a dita

apprentice to any other authority than to the said Board, or to the Curator under the orders of the Board.

If any apprentice shall be guilty of crimes which render him obnoxious to the laws of the country, or shall be guilty of habitual drunkenness, insubordination, wilful carelessness, or destruction of his master's property, the master may in such case bring him before the Board of Superintendence, and upon proof of the facts, the said Board shall have power to cancel the indentures.

**ARTICLE XV.** If an apprentice should run away, his master shall give immediate information thereof to the Curator, who shall instantly proceed to a summary investigation of the fact, for the information of the Board of Superintendence.

Any master who shall be proved to have improperly disposed of an apprentice, whom he has reported as dead or absconded, shall pay as a fine the sum of three hundred dollars.

The half of this fine shall be paid to the informer, and the remainder to the Curator, to be placed at the disposal of the Board for the purposes hereinafter mentioned.

**ARTICLE XVI.** If an apprentice should fall sick, the master shall give immediate notice thereof to the Curator, in order that he, or one of his assistants, may visit such apprentice, and report to the Board the nature of his disorder, and the manner in which such sick Negro is taken care of.

If an apprentice should die, notice thereof shall immediately be given to the Curator, in order that he, or one of his assistants, may attend for the purpose of ascertaining that the deceased Negro was really and truly the apprentice described as such in the register.

For this purpose the Curator or

Junta, ou ao Curador sujeito á ordens della.

Se algum aprendiz fôr culpado em crimes que o tornem sujeito ás penas das leis do paiz, ou fôr culpado de habitual embriaguez, insubordinação, deliberado desleixo, ou destruição da propriedade de seu mestre, pode este em tal caso trazelo perante a Junta de Superintendencia; e provando-se os factos, terá a dita Junta faculdade de invalidar as escripturas.

**ARTIGO XV.** Se algum aprendiz fugir, dará o seu mestre imediata informação disso ao Curador, o qual procederá logo a huma investigação sumaria do facto, para conhecimento da Junta de Superintendencia. Qualquer mestre a quem se provar que dispôz indevidamente de algum aprendiz do qual tenha dado parte de ter falecido, ou de se ter escondido, pagará de multa a somma de trescentos duros. A metade desta multa será paga ao denunciante, e o resto ao Curador, para ser posto á disposição da Junta, para os fins abaixo indicados.

**ARTIGO XVI.** Se algum aprendiz cahir doente, dará disso o mestre imediatamente parte ao Curador, afim d'este, ou hum dos seus ajudantes, poder hir ver o dito aprendiz, e participar á Junta a natureza da sua molestia, e a maneira por que elle hé tratado.

Se hum aprendiz fallecer, dar-se-ha disso imediatamente parte ao Curador, afim de que este, ou hum dos seus ajudantes, possa hir verificar que o Negro falecido era o proprio e verdadeiro aprendiz descripto como tal no registo.

Para este fim deverá o Curador,

his assistant shall make such inquiries as he may judge necessary, interrogating the inhabitants of the house in which the Negro has died, the neighbours, or any other persons; and shall take such other means as he may judge necessary to enable him to ascertain the truth, in order that the burial of the Negro, which is to be at the expense of the master, may take place without further delay.

A summary report of the result of this inquiry shall then be drawn up officially by the Curator, and shall be delivered without delay to the Board.

The Curator, after having identified the body of an apprentice who may have died, shall investigate the cause of the death; and if the death shall appear to have been natural, he shall note that fact in the register.

If the cause of death be doubtful, or shall appear to be otherwise than natural, he shall interrogate the other Negroes, and other inhabitants of the house, and shall take such other means as may appear necessary to ascertain the facts of the case; and if there shall appear reason to suspect that the death of such Negro has been occasioned by violence, improper usage, or culpable neglect, he shall take the proper course for bringing the offender to trial before the Courts of the country.

**ARTICLE XVII.** If the master of any apprentice shall commit any breach of these conditions, a fine shall be imposed upon him of not less than fifty, and not exceeding one hundred, dollars; one half of which shall go to the informer, and the other half shall be placed at the disposal of the Board of Superintendance, for the purposes herein-after mentioned. And in case of any gross misconduct of the said master towards his apprentice, such

ou o seu ajudante, fazer as pesquisas que julgar necessarias, interrogando os habitantes da casa em que o Negro faleceu, os vizinhos, ou outras quaisquer pessoas, e tomado quaisquer outras medidas que entender precisas para o habilitar a verificar a verdade, de maneira que o enterro do Negro, que deve ser á custa do mestre, possa ter lugar sem maior demora.

Um relatorio sumario do resultado destas pesquisas sera depois lavrado oficialmente pelo Curador, e entregue sem demoras à Junta.

O Curador, depois de ter identificado o corpo de qualquer aprendiz que tiver falecido, indagara a causa da sua morte; e se se conhecer que ella foi natural, notará este facto no registro.

Se a causa da morte for devulsa, ou se se conhecer que não foi natural, deverá então interrogar os outros Negros, e os outros habitantes da caza, e tomar outras quaisquer medidas que parecer necessarias para verificar as circunstancias do caso; e se houver motivo para suspeitar que a morte do dito Negro foi ocasionada por violencia, indevido tratamento, ou culpavel negligencia, usará dos meios convenientes para fazer comparecer o culpado perante os tribunaes do paiz.

**ARTIGO XVII.** Se o mestre de qualquer aprendiz violar alguma destas condicões, impõr-se-lhe h̄a huma multa que não será menor de cincoenta duros, nem excederá a cem; metade da qual será para o denunciante, e a outra metade será posta á disposição da Junta da Superintendencia, para os fins abaixo indicados.

No caso de algum excessivo e maltratamento da parte do dito mestre para com o seu aprendiz, além do

master shall, if the Board of Superintendence shall think fit, besides paying the above-mentioned fine, forfeit all further right to the services of the apprentice; and the said apprentice shall be taken from such master, and shall be apprenticed to another master for the remainder of his term of apprenticeship.

**ARTICULO XVIII.** If the master of an apprentice shall die, his heir, or the person to whom the possession of such apprentice shall devolve, shall, within four days after the death of such master, report the same to the Board of Superintendence.

The Board shall thereupon issue their order to the Curator, to bring the apprentice before them; and when the apprentice is so brought, the Board shall apprentice him to another master, under the established conditions.

If the heir, or the person in possession of such apprentice, shall neglect to report the death of the master within four days, he shall pay one dollar a day for each apprenticed Negro belonging to such deceased master, until he shall have delivered them all up to the said Board: and he shall, moreover, be subject to the other penalties which attach to the non-performance of the conditions established by these Regulations.

**ARTICLE XIX.** If any liberated Negro be apprenticed to, or hired by, the Government, the contract shall contain the same conditions and stipulations in regard to the Negro, as are hereinbefore prescribed for cases in which the Negro is apprenticed to a private individual.

**ARTICLE XX.** Liberated Negroes shall, at the discretion of the Board of Superintendence, and when it shall be ascertained that their own free will has been previously

mesmo mestre pagar o sobredito multa, perderá, se a Junta de Superintendencia assim o julgar conveniente, todo o ulterior direito aos serviços do aprendiz; o qual será tirado desse mestre, e dado o outro pelo resto do tempo que lhe faltar de aprendiz.

**ARTIGO XVIII.** Se o mestre de hum aprendiz falecer, o seu herdeiro, ou a pessoa a quem se devolver a posse de tal aprendiz, deverá dentro de quatro dias depois do falecimento do dito mestre, participar esse caso á Junta de Superintendencia, cumprindo á Junta expedir imediatamente ordem ao Curador para trazer perante ella o aprendiz; e quando este lhe fôr apresentado, o dará o outro mestre, debaixo das condições estabelecidas.

Se o herdeiro, ou a pessoa em cujo poder estiver o dito aprendiz, se descuidar de participar o falecimento de mestre dentro de quatro dias, deverá pagar hum duro por dia por cada aprendiz Negro pertencente ao tal mestre falecido, até que tenha feito entrega delles todos á sobredita Junta: e ficará além disso sujeita ás outras penas aplicadas á falta de cumprimento das condições estabelecidas neste Regulamento.

**ARTIGO XIX.** Se algum Negro liberto fôr tomado para aprendiz, ou assoldadado, por conta do Governo, deverá a escriptura conter, a respeito do dito Negro, as mesmas condições e estipulações que acima se prescreverão para os casos em que elle fôr dado de aprendiz a hum individuo particular.

**ARTIGO XX.** Será permittido aos Negros libertos, a arbitrio da Junta de Superintendencia, quando se tiver verificado que previamente se obtivera o livre consentimento

obtained, be permitted to become soldiers or sailors in the regular land or sea forces of the State in whose territories they shall have been emancipated.

The Board shall take care in such case to ascertain, that the Negroes fully understand and are aware of the nature of the engagement which they enter into by so enlisting.

The Government into whose service the Negroes enlist shall sign a receipt for them; which receipt shall be delivered to the Curator at the time of the enlistment: and the Board shall take means to ensure that the full and permanent emancipation of such Negroes shall be secured to them, according to the true spirit of these Regulations.

**ARTICLE XXI.** Those liberated Negroes who may not be apprenticed, or who may not have enlisted into the sea or land forces of the State to which the colony or possession in which they may be belongs, or whose indentures shall have become void, or shall have been cancelled, shall be provided for by the Government of such colony or possession. They shall be kept within twenty miles of the place where the Mixed Commissions are sitting.

The expense of maintaining and supporting such Negroes shall be borne by the Government of the colony: but they shall be under the care and superintendence of the Board and Curator; and the present Regulations shall be applicable to them in every respect, excepting as regards apprenticeship.

**ARTICLE XXII.** The Curator shall endeavour, by means of an interpreter, to explain to each Negro the nature of any contract by which he may become bound; and shall inform him that if he

delle, assentir plena de soldados ou de marinheiros nas forças regulares de mar ou de terra do Estado em cujos territórios tiverem sido emancipadas.

A Junta, em tal caso, tomará cuidado em certificar-se de que os Negros entendem e conhecem perfeitamente a natureza das obrigações que contrahem por assim se alistarem.

O Governo em cujo serviço os Negros se alistarem, assignará hum recibo delle, que será entregue ao Curador ao tempo do alistamento: e a Junta tomará medidas para assegurar que a plena e permanente alforria de tais Negros lhes fique salva, segundo o verdadeiro espirito deste Regulamento.

**ARTIGO XXI.** Aquelles Negros libertos que não forem postos a aprendizes, ou que se não alistarem nas forças de mar ou de terra do Estado a que pertencer a colónia ou possessão em que estiverem, ou cujas escravidões vietam a ficar sem efeito, ou a ser invalidadas, ficarão a cargo do Governo da dita colónia ou possessão, e serão conservados dentro do espaço de vinte milhas do lugar onde residirem as Comissões Mixtas.

A despesa feita em manter e sustentar os ditos Negros estará a cargo do Governo da colónia: ficando elles porém debaixo de cuidado e superintendência da Junta e do Curador; e sendo-lhes aplicável o presente Regulamento a todos os respeitos, excepto no que toca a estarem por aprendizes.

**ARTIGO XXII.** O Curador procurará explicar a cada Negro, por meio de hum interprete, a natureza de qualquer contrato em que elle entre; e o prevenirá de que se em algum tempo für matrulado por

should at any time be ill-treated by his master, he must make his complaint to the Curator, or to the Board of Superintendence of liberated Negroes.

**ARTICLE XXIII.** It shall be the duty of the Curator, or of his assistant, to visit once, at least, in every three months, all places where there are any liberated Negroes under the superintendence of the Board; he shall examine and inspect all such Negroes, receive their complaints, inquire into those complaints and search out the truth, and investigate any abuses that may affect the said Negroes; and he shall also inquire into the general conduct of the Negroes themselves.

The Curator shall then bring to the notice of the Board every complaint on the part of the said Negroes, and every breach of the conditions and stipulations of the contract under which the Negroes serve; and in all cases of well-founded complaint, the Board shall take proper means for affording redress.

The inspections above prescribed are not to be made at stated periods, but at uncertain times, and unexpectedly.

The Curator shall also report to the Board every three months, the state in which he finds the liberated Negroes; and his report shall be entered in a book to be kept for that purpose, to be called "Curator's Reports" and to be deposited in the office of the Board, so that, on reference thereto, the condition and behaviour of every liberated Negro may be easily known.

**ARTICLE XXIV.** All proceedings of the Curator, together with a statement of all facts which may from time to time come to his knowledge respecting the libe-

reto mestre, se deve queixar ao Curador, ou à Junta de Superintendência dos Negros libertos.

**ARTIGO XXIII.** Será da obrigação do Curador ou do seu ajudante, vizitar, ao menos huma vez em cada trimestre, todos os lugares onde estiverem alguns Negros libertos debaixo da superintendência da Junta; devendo examinar e inspecionar todos os ditos Negros, receber suas queixas, e fazer indagações ácerca delas para descobrir a verdade, e investigar quaisquer abusos que possam prejudicálos: cumprindo-lhe também inquirir da conducta geral delles.

O Curador levará depois ao conhecimento da Junta todos as queixas dos ditos Negros, e qualquer quebrantamento das condições e estipulações do contrato em virtude do qual estiveram servindo; e em todos os casos de bem fundada queixa, usará a Junta dos meios convenientes para que se lhes faça justiça.

As inspecções acima prescritas não se deverão fazer em períodos determinados, mas em tempo incerto e inesperado.

O Curador dará também parte à Junta em cada trimestre, do estado em que achar os Negros libertos; e a sua participação será lançada em hum livro que haverá para esse fim com o título de "Participações do Curador," e que deve estar depositado na secretaria da Junta, de sorte que recorrendo a elle, se possa facilmente saber a ocupação e comportamento de todos os Negros libertos.

**ARTIGO XXIV.** Todos os actos praticados pelo Curador, juntamente com huma exposição de todos os factos que sucessivamente chegarem ao seu conhecimento

rated Negroes, shall be immediately communicated by him to the Board of Superintendence : and he is not to institute any proceedings, nor to take any steps in respect to such Negroes, without the knowledge and sanction of the Board.

**ARTICLE XXV.** The Curator shall receive all the sums which are to be paid for the hire of apprentices, and all the monies arising from penalties incurred by masters ; and shall render an account thereof to the Board of Superintendence.

The amount is to be applied to the purposes hereinafter mentioned.

**ARTICLE XXVI.** When the prescribed term of service of any apprentice shall have expired, the Curator shall, under the direction of the Board of Superintendence, summon such apprentice, together with his master, to appear before the said Board. The master shall then give up to the Board the indenture of the Negro ; and the Negro shall receive from the Board a certificate, specifying that such Negro has completed the term of his apprenticeship, and is entitled to all the rights and privileges of a free person.

The Curator shall see that this certificate be authenticated and registered according to the custom of the country.

**ARTICLE XXVII.** The Board of Superintendence shall have the power to admonish the Curator, and any other officer serving under the Board, if such Curator or other officer should fail to execute his duty faithfully ; and, if the Board shall see necessary, they may dismiss such Curator or other officer, and appoint successors.

**ARTICLE XXVIII.** The necessary proceedings for recovering

mento a respeito dos Negros libertos, serão logo comunicados por elle á Junta de Superintendencia ; não devendo elle instaurar procedimento algum, nem dar qualquer passo a respeito dos ditos Negros, sem conhecimento e autorização da Junta.

**ARTIGO XXV.** O Curador receberá todas as quantias que houverem de se pagar pelas soldadas dos aprendizes, o todo o dinheiro procedente das multas em que incorrerem os mestres, e dará de tudo huma conta á Junta de Superintendencia. A importância total deverá ser applicada para os fins abaixo indicados.

**ARTIGO XXVI.** Quando tiver expirado o termo prescrito para o serviço dalgum aprendiz, deve o Curador, debaixo das instruções da Junta de Superintendencia, notificar o dito aprendiz, juntamente com o seu mestre, para comparecerem perante a mesma Junta, á qual o mestre entregará então a escriptura do Negro, recebendo este da Junta huma certidão em que se declare que completou seu tempo de aprendiz, e tem já a todos os direitos e privilégios de huma pessoa livre.

O Curador terá caido em que essa certidão seja legalizada e registrada conforme a pratica do paiz.

**ARTIGO XXVII.** A Junta de Superintendencia terá autoridade para admonestar o Curador, e qualquer outro empregado subordinado á mesma, se alguma delles deixar de cumprir fielmente o seu dever ; podendo a dita Junta demitti-los, se assim o julgar necessário, e nomear lhes sucessores.

**ARTIGO XXVIII.** Os processos necessários para as celebrações da

such sums as may be due from masters on account of the hire of apprentices, and for enforcing the payment of the several fines and penalties hereinbefore imposed, shall be instituted in the proper Courts of Law of the country where the Boards of Superintendence shall respectively reside, and shall be carried on at the instance of the Board.

The expenses of such proceedings shall be defrayed as herein-after mentioned; and the High Contracting Parties hereby engage, that within six months from the exchange of the ratifications of the Treaty to which these Regulations are annexed, they will grant the requisite authority and powers to the Courts of Law of the country where the Boards of Superintendence are respectively held, to take cognizance of the actions which, for the due execution of these Regulations, may be brought in such Courts of Law at the instance of the Boards, so that the penalties hereinbefore mentioned may be recovered, and the levy of the monies hereinbefore mentioned may be enforced; and the payment of the amount thereof may be made to the person appointed by these regulations to receive such penalties and monies.

ARTICLE XXIX. The money arising from the hire of liberated Negroes, and also from the penalties incurred by the masters, shall be deposited by the Curator in a chest with three keys, one of which shall be kept by each commissioner of the Board of Superintendence, and one by the Curator.

The Curator shall so deposit the several sums as soon as he receives them, making previously a regular entry of the receipt in a book to be kept for that purpose.

This money shall be applied in the following manner, that is to

quantias que os mestres deverem per conta da soldada dos aprendizes, e para exigencia do pagamento das diferentes multas e penas pecuniarias acima impostas; serão instaurados nos Tribunais competentes do paiz onde as respectivas Juntas de Superintendencia residirem, e serão prosseguidos a requisição da Junta.

As custas de tâes processos serão pagas como abaixo se menciona; e as Altas Partes Contractantes se obrigão por este Artigo a conceder, dentro de seis meses contados da troca da ratificação do Tratado a que este Regulamento está annexo, a autoridade e poderes necessarios aos Tribunais do paiz onde as respectivas Juntas de Superintendencia estão estabelecidas, para tomarem conhecimento das ações que para a dívida execução deste Regulamento forem intentadas perante os ditos Tribunais, a requisição das Juntas; de sorte que se cobrem as multas acima mencionadas, e se exija a entrega do dinheiro referido, sendo feito o pagamento da sua importancia à pessoa designada por este Regulamento para a receber.

ARTIGO XXIX. O dinheiro procedente das soldadas dos Negros libertos, e das multas em que incorrerem os mestres, será depositado pelo Curador em hum cofre de trez chaves, das quaes cada commissario de Junta de Superintendencia guardará huma, e o Curador outra.

O Curador depositará por este modo as diversas quantias logo que as receber, dando ante huma regular entrada delle em hum livro destinado para esse fim.

Este dinheiro será applicado da seguinte maneira, a saber: huma

any: a portion thereof, at the discretion of the Board of Superintendance, shall be paid to the Curator, and to the other officers employed under the said Board, for their salaries: so much of the remaining portion as shall be needful, shall be applied towards defraying the expense of prosecuting masters for breach of the conditions and stipulations of their contracts, and also towards defraying the other expenses incurred for carrying these Regulations into effect; and the remaining balance, if any, shall be laid out, at the discretion of the said Board, in the promotion of the comfort and welfare of the liberated Negroes, either during their term of service or at its expiration, and especially in rewards to liberated Negroes for good conduct.

The accounts of these monies, and of the manner in which they have been applied, shall, at the expiration of every year, be made up in duplicate by the Curator; and after these accounts have been examined and approved by the Board, one of such duplicates shall be transmitted by each commissioner to the Government on whose part he is acting.

If the fund should not prove sufficient to liquidate the just and necessary demands made for the purposes required, the deficiency shall be made good in equal moieties by the two Governments.

**ARTICLE XXX.** In the event of a difference arising between the two aforesaid commissioners of the Board, regarding the appointment of any officer under them, or regarding any other matter in the execution of these Regulations,—if such difference shall occur in a British colony or possession, the Board shall call in the person who officiates in that colony or possession as Portuguese arbitrator to

porção della, ao arbitrio da Junta de Superintendance, se assim puder pagar os ordenados do Curador, e dos outros officiares empregados debaixo das ordens da Junta; a porção restante se applicará o que for preciso para pagar as despesas feitas em demandar os mesmos pelo quebrantamento das condições e estipulações das suas contractos, e também para pagar as outras despesas ocasionadas per levar a efecto este Regulamento; e o saldo que obrar, se o houver, será empregada, ao arbitrio da dita junta, em promover as comodidades e prosperidade dos Negros libertos, durante o tempo de seu serviço, ou depois delle acabado, e especialmente em premiar aquelles que bem se conduzirem.

As contas destes dinheiros, e da maneira por que houvessem sido dispendidos, serão, no fim de cada anno, feitas em duplicado pelo Curador; e depois de examinadas e approvadas pela Junta, semá hum dos ditos duplicados transmitido por cada commissario ao Governo por parte do qual estiver servindo.

Se os fundos não forem suficientes para satisfazer as justas e necessarias requisições feitas para os fins exigidos, será o que faltar suprido em partes iguáes pelos dous Governos.

**ARTIGO XXX.** No caso de se excitar alguma controvérsia entre os dous sobreditos commissários da Junta a respeito da nomeação de algum official seu subordinado, ou acerca de algum outro objecto relativo á execução deste Regulamento,—se a tal controvérsia ocorrer em huma colónia ou posseção Portuguesa, convocará a Junta a pessoa que nessa colónia ou posseção servir de ambito Britanico

the Mixed Commission under the Treaty; and if the case shall occur in a Portuguese colony or possession, the Board of Superintendence shall call in the person who officiates in that colony or possession as British arbitrator to the Mixed Commission under the Treaty; and the Board of Superintendence of liberated Negroes, thus formed, and being composed of the two commissioners and of one arbitrator, shall, by the majority of voices, decide all such points of difference.

It shall not be permitted to the members of the Board of Superintendence, nor to any officer acting under them, to demand or receive from any one, excepting as herein specified, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present Regulations.

**ARTICLE XXXI.** Nothing that is contained in these Regulations shall be construed to exempt any liberated Negro from his liability, as a free man, to be proceeded against for any offence committed by him (except as herein provided for) against the laws of the country in which he is located. But in all cases where any offence against such laws is imputed to a Negro under the care of the aforesaid Board of Superintendence, the laws shall be administered to him as to a free man; and the Curator shall, either personally, or by a responsible individual deputed by him for the purpose, attend the Courts of Justice of the country to see that Justice is done to the Negro.

**ARTICLE XXXII.** It is further stipulated, with a view to avoid the unnecessary multiplication of words, that everything contained in the foregoing Regulations which applies to masters, shall be con-

tra a Comissão Mixta, segundo o Tratado; e se o caso tiver lugar em huma colonia ou posseção Britânica, convocará então a Junta de Superintendencia a pessoa que nessa colonia ou posseção servir de árbitro Portuguez na Comissão Mixta, segundo o Tratado; a fim de que a Junta de Superintendencia dos Negros libertos, assim formada, sendo composta dos dous comissários e de hum árbitro, decida á pluralidade de votos todos esses pontos de dissavença.

Não será permitido aos membros da Junta de Superintendencia, nem a qualquer oficial seu subordinado, pedir ou receber de pessoa alguma, salvo como neste Regulamento se especifica, emolumento algum, debaixo de qualquer pretexto que seja, pelo desempenho dos deveres que lhe são impostos pelo presente Regulamento.

**ARTIGO XXXI.** Nenhuma causa que se contenha neste Regulamento se entenderá isentar qualquer Negro liberto da sujeição em que está, como homem livre, de que se proceda contra elle por qualquer crime que commetts (excepto como neste Regulamento se providenciou) contra as leis do país onde se achar. Em todos os casos porem em que se imputar huma offensa contra essas leis a hum Negro, que esteja debaixo do cuidado da sobredita Junta de Superintendencia, ellas lhe serão applicadas como a hum homem livre; devendo o Curador pessoalmente, ou por meio d'algum responsável que para esse fim tenha deputado, ser presente nos Tribunais de Justiça do país, para que se faça justiça ao Negro.

**ARTIGO XXXII.** Estipula-se mais, com o fim de evitar desnecessaria multiplicação de palavras, que tudo quanto se contém nas disposições acima prescritas, que seja applicada aos mestres, se en-

strued as applying equally to mistresses; and that everything in the said Regulations with respect to Negroes and apprentices, which applies to the masculine gender and singular number, shall be construed as applying equally to the female sex and to the plural number, unless such construction shall be in express opposition to any other enactment of these Regulations.

**ARTICLE XXXIII.** These Regulations shall be inserted in the Official Gazette or Journal of the countries whose Sovereigns are Contracting Parties to the Treaty; and also in the Official Journal or Gazette of the place where the Mixed Commissions are respectively held: and the Governments of the said countries shall convey to the said Boards of Superintendence of liberated Negroes, to the Curators, and to their assistants under those Boards, such authority as may be requisite to enable the said Boards of Superintendence, Curators, and officers acting under them, respectively to perform their duties, and to exercise the powers intrusted to them by these Regulations.

**ARTICLE XXXIV.** The High Contracting Parties agree, that if in future it should appear necessary to adopt new measures, in consequence of those which are laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together and agree upon other means better adapted for the complete attainment of the objects they have in view.

The undersigned Plenipotentiaries have agreed, in conformity with the XIVth Article of the Treaty signed by them on this day, the third of July, 1842, that the preceding Regulations, consist-

tenderá como applicável igualmente ás mestras, e que tudo quanto nas ditas disposições a respeito dos Negros, e aprendizes, é applicável ao sexo masculino e numero singular, será entendido como applicável igualmente ao sexo feminino e numero plural, salvo se houver tal intelligencia fôr expressamente opposta a qualquer outra disposição deste Regulamento.

**ARTIGO XXXIII.** Este Regulamento será inserido na Gazeta ou Jornal Oficial dos paizes cujos Soberanos são Partes Contractantes deste Tratado, e tambem na Gazeta ou Jornal Oficial do lugar onde se estabelecerem as respectivas Comissões Mixtas: e os Governos das ditos paizes conferirão á referida Junta de Superintendencia dos Negros libertos, aos Curadores, e a seus ajudantes, subordinadas áquellas Juntas, a autoridade necessaria para que as mesmas Juntas, Curadores, e officiaes que respectivamente servirem debaixo das suas ordens, possão cumprir os deveres, e exercer as poderes que por este Regulamento lhes são confiados.

**ARTIGO XXXIV.** Se para o futuro parecer necessário adoptar novas medidas, em consequência de se haverem tornado ineficazes as estabelecidas neste Annexo, convém as Altas Partes Contractantes em consultar entre si e ajustar outros meios mais appropriados a obter completamente os fins que tem em vista.

Os Plenipotenciarios abaixo assinados, na conformidade do Artigo XIV do Tratado por elles assinado neste dia trez de Julho de 1842, convieram em que o precedente Regulamento, constitui

ing of thirty-four Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

The third day of July, one thousand eight hundred and forty-two.

(L.S.) HOWARD DE WALDEN.

trinta e quatro Artigos, serão anexado ao dito Tratado, e considerado como parte integrante dele.

Aos trez dias de Julho, de mil oitocentos e quarenta e douas.

(L.S.) DUQUE DE PALMELLA.

#### ADDITIONAL ARTICLE.

*Ratifications exchanged at Lisbon, November 24, 1842.*

#### ADDITIONAL ARTICLE

to the Treaty, concluded at Lisbon on the 3rd of July, 1842, between Great Britain and Portugal, for the Suppression of the Traffic in Slaves.

WHEREAS the Regulations in respect to the treatment of liberated Negroes, contained in Annex C of the Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and Her Majesty the Queen of Portugal and the Algarves, signed at Lisbon on the third of July, 1842, are, by the XIIIth Article of that Treaty, declared to be established for the purpose of guaranteeing the liberty of such Negroes:

And whereas within the British colonies in which, in pursuance of the said Treaty, Mixed Commissions have been established, there are already in force, or may be hereafter enacted, laws, or regulations having the force of law, better adapted for the purpose aforesaid, and the maintenance of such laws or regulations would therefore be more in accordance

#### ARTIGO ADICIONAL

ao Tratado concluido em Lisboa aos trez de Julho, de mil oitocentos e quarenta e douas, entre a Gran-Bretaña e Portugal, para a Supressão do Tráfico da Escravatura.

VISTO que o Regulamento arespeito do tratamento dos Negros libertos, contido no Annexo C do Tratado entre Sua Magestade a Rainha do Reino Unido da Gran-Bretaña e Irlanda, e Sua Magestade a Rainha de Portugal e Algarves, assignado em Lisboa aos trez de Julho, de mil oitocentos e quarenta e douas, está declarado pelo Artigo decimoterceiro do dito Tratado, haver sido estabelecido para o fim de garantir a liberdade de taes Negros:

E visto que nas colonias Britânicas nas quaes, em execução do dito Tratado, se tem estabelecido Comissões Mixtas, já existem em vigor, ou podem de futuro ser promulgadas leis, ou regulamentos com força de lei, mais bem adaptados ao sobreditó proposito, e que a conservação de tais leis ou regulamentos seria por isso mais conforme ao fim salntar que

with the salutary end which the two High Contracting Parties have in view:

It is therefore agreed, that in the British colonies where such Mixed Commissions are established, and where the existing laws, or regulations having the force of law, on the subject of the treatment of liberated Negroes, are already better adapted than the Regulations contained in the Annex C, to guarantee the liberty of Negroes liberated under the said Treaty, the Mixed Commissions shall consider such laws or regulations as superseding the special regulations of Annex C, inasmuch as they may, either wholly or in part, be more beneficial to the said liberated Negroes.

It is equally agreed that the Mixed Commissions established in the colonial dominions of either of the two High Contracting Parties, in virtue of the aforesaid Treaty, shall be empowered with full authority to admit in future similar substitutions, in the case of any laws, or regulations having the force of law, being hereafter enacted in the colonies of Her Britannic Majesty, or in the colonies of Her Most Faithful Majesty, better adapted to guarantee the liberty and ensure the welfare of the liberated Negroes in the said colonies.

Any such laws, or regulations having the force of law, by which any of the regulations of Annex C shall be superseded under this Article, shall be duly communicated, as the case may be, by the one to the other of the High Contracting Parties.

The present Additional Article shall have the same force and validity as if it had been inserted, word for word, in the aforesaid Treaty of the 3rd of July, 1842.

dous Altas Partes Contractantes tem vista:

Fica por tanto ajustado, que nas colonias Britannicas, quando tais Comissões Mixtas se estabelecidam, e quando as leis ou regulamentos com força de lei, existentes sobre o objecto do tratamento dos Negros libertos, já são mais bem adaptados do que o Regulamento contido no Anexo C, para garantir a liberdade dos Negros em virtude do dito Tratado; deverão as Comissões Mixtas considerar tais leis ou regulamentos como substituindo o regulamento especial do Anexo C, em tanto quanto possam ser, no todo ou em parte, mais práticos aos ditos Negros libertos.

Fica igualmente ajustado que as Comissões Mixtas estabelecidas nos dominios coloniais da qualquer das duas Altas Partes Contractantes, em virtude do sobre dito Tratado, serão plenamente autorizadas para admitir de futuro similares substituições, no caso de serem para o díante promulgadas nas colonias de Sua Magestade Britannica, ou nas colonias de Sua Magestade Fidelissima, quaisquer leis, ou regulamentos com força de lei, mais bem adaptados a garantir a liberdade, e a assegurar o bem estar dos Negros libertos nas ditas colonias.

Quaisquer leis, ou regulamentos com força de lei, pelos quais alguma das disposições do Anexo C for substituída na conformidade d'este Artigo, serão devidamente comunicados, como o caso o permitir, por uma Alta Parte Contratante á outra.

O presente Artigo Adicional terá a mesma força e validade como se estivesse inserido, palavra por palavra, no sobre dito Tratado de trez de Julho, de mil e quarenta e quatro.

It shall be ratified, and the ratifications thereof shall be exchanged at Lisbon, at the expiration of six weeks from the date of its signature, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Lisbon, the twenty-second day of October, in the year of our Lord one thousand eight hundred and forty-two.

(L.S.) HOWARD DE WALDEN.

Será ratificado, e as ratificações d'elle serão trocadas em Lisboa, no termo de seis semanas a distar da sua assinatura, ou mais cedo se fôr possível.

Em testemunho do que os respectivos Plenipotenciários o assinaram, e firmaram com o sello das suas armas.

Feito em Lisboa, aos vinte e doua dias do mez de Outubro, do anno do Nascimento de Nesse Senhor Jesus-Christo de mil eitocentos e quarenta e doua.

(L.S.) DUQUE DE PALMELA.

## 22. MADAGASCAR.

*Engagement between Great Britain and Madagascar. Signed at Tamatave, October 23, 1817.*

ROBERT TOWNSEND FARQUHAR, Esq., Governor and Commander-in-chief, Captain-General, Vice-Admiral, of the Island of Mauritius and its dependencies, by his Commissioners, Captain Stanfall of the Royal Navy, commanding His Majesty's ship "Phæton," and T. R. Pye, Esq., Assistant Agent for his Excellency's Government at Madagascar, who are vested with full powers;

And Radama, King of Madagascar and its dependencies, by his Commissioners, Ratnalika, Rampoole Ramanou, and Raciahato, representing the said Radama, and with full powers from His Majesty;

Have agreed upon the following Articles and conditions:

I. It is agreed by the parties to these presents, respectively, that the mutual confidence, friendship and brotherhood, which are hereby acknowledged to subsist between the Contracting Parties, shall be maintained and perpetuated for ever.

II. It is agreed, and the two Contracting Parties hereby covenant and agree, that from the date of this Treaty, there shall be an entire cessation and extinction through all the dominions of King Radama, and wherever his influence can extend, of the sale or transfer of Slaves, or other persons whatever, to be removed from off the soil of Madagascar into any country, island, or dominion of any other Prince, Potentate, or Power whatever; and that Radama, King of Madagascar, will make a proclamation and a law, prohibiting all his subjects, or persons depending on him or his dominions, to sell any Slave to be transported from Madagascar, or to aid, or abet, or assist, in any such sale, under

penalty that any person so offending shall be reduced to Slavery himself.

III. And in consideration of this concession on the part of Radama, the King of Madagascar, and his nation, and in full satisfaction for the same, and for the loss of revenue thereby incurred by Radama, King of Madagascar, the Commissioners on the part of his Excellency the Governor of Mauritius, do engage to pay Radama, yearly, the following articles:—

- One thousand dollars in gold
- One thousand dollars in silver
- One hundred barrels of powder, of 100 lbs. each
- One hundred English muskets complete, with accoutrements
- Ten thousand flints
- Four hundred red jackets
- Four hundred shirts
- Four hundred pairs of trowsers
- Four hundred pairs of shoes
- Four hundred soldier's caps
- Four hundred stocks
- Twelve sergeant's swords, regulation with belts
- Four hundred pieces of white cloth,
- Two hundred pieces of blue cloth,
- A full-dress coat, hat, and boots, all complete for King Radama;
- and
- Two horses

upon a certificate being received that the said laws and regulations and proclamations have been enforced the preceding quarter, which certificate shall be signed by Radama, and countersigned by the Agent of his Excellency Governor Farquhar, resident at the Court of Radama.

IV. And further, it is agreed by the Contracting Parties, mutually to protect the faithful friend and ally of England, the King of Johanna, from the predatory attacks to which he has for many years been annually exposed from some of the smaller States of the sea-coast of Madagascar; and to use every means in their power, by their subjects, allies, and dependents, to put a final end to this system of piracy: and for this purpose, proclamations shall be made by Radama and the Governor of Mauritius, prohibiting all persons whatever from engaging in this piracy; and these proclamations shall be particularly distributed in the ports and on the sea-coast of Madagascar.

#### *Additional Article.*

THE Contracting Parties agree in considering this Treaty as provisional, until ratified and confirmed by His Majesty's Ministers, or the part of the King of Great Britain, which ratification will be forwarded, without loss of time, to the King of Madagascar (Radama) by his ambassador to that Court.

This formality, however, is not to prevent the stipulations of th

Treaty from being carried into full and complete effect from the date hereof.

Done at Tamatave, Island of Madagascar, October 23, 1817.

(Signed)

(Signed)

FRANCIS STANFELL,

Captain of His Majesty's Ship  
"Phœnix," Senior Naval Officer,  
and Commissioner.

THOS. R. PYE,  
Agent of the British Govern-  
ment, and Commissioner.

RATZALIKA,

for Radama.

RAMPOOLE RAMANOU.

RACIAHATO.

RAMALAZA,  
as Witness.

*Additional Article between Great Britain and Madagascar. Signed at Tananarivo, October 11, 1820.*

BY virtue of the Treaty concluded between His Majesty Radama, King of Madagascar, and his Excellency R. T. Farquhar, Esq., Governor and Commander-in-chief of the Island of Mauritius and dependencies, Captain-General, Vice-Admiral, &c., bearing date the 23rd of October, 1817, the abolition of the exportation of Slaves shall, from this day, for ever be maintained and preserved inviolate; and the Contracting Parties severally bind themselves to fulfil all the articles and conditions contained in the said Treaty, with the most scrupulous care and attention.

In consequence of this Treaty, confirmed and ratified by command of His Britannic Majesty, and accepted this day by His Majesty the King of Madagascar, there has been agreed upon between Mr. James Hastie, Agent of Government on the part of his Excellency Government Farquhar, and King Radama, that the said Mr. Hastie engages, on the part of his Government, to take with him twenty free subjects of His Majesty King Radama, to be instructed in and brought up to different trades, such as mechanics, gold and silver-smiths, weavers, carpenters, blacksmiths; or placed in the arsenals, dock-yards, &c., whereof ten shall be sent to England, and ten to the Island of Mauritius, at the expense of the British Government.

It is further agreed upon between the two Parties, that if, on the arrival at Mauritius of the twenty individuals above mentioned, accompanied by Mr. Hastie, the Governor should not consent to the instruction of the said twenty individuals, ten at Mauritius, and ten in England, then shall the Treaty become null, without compromising, however, the word or promise of King Radama.

It is understood by this Article, that the British Government shall place the said twenty individuals with persons practising the various trades before mentioned; but that Government is not responsible for their conduct or their want of capacity.

Mr. James Hastie further engages to take with him eight other individuals, to be instructed in music, for the purpose of being formed into a band for the Regiment of Guards of His Majesty the King of Madagascar.

In consequence of this Article and the conditions before stated,

King Radama will make a Proclamation in which he will notify the said abolition of the exportation of Slaves from within his dominions; and will further invite all persons of talent or otherwise skilled in any trade or profession, to come and visit his country, promising to them his protection; and the said proclamation shall be published in the "Mauritius Gazette."

Given at Tamatavou, this 11th of October, 1820.

(Signed) JAMES HASTIE, (Signed) RANOMA RAMBAKA.  
*Agent to the British  
Government.*

*Additional Articles between Great Britain and Madagascar. Signed  
at Tamatave, May 31, 1823.*

WHEREAS by certain Treaties and Engagements made and established between the British Government and Radama, King of Madagascar, more particularly those dated the 23rd day of October, 1817, and the 11th day of October, 1820, which said Treaties and Engagements have been approved and confirmed by His Britannic Majesty, the Slave Trade was abolished throughout Madagascar:

And whereas the conditions of the said Treaties have been faithfully observed and kept by the Contracting Parties on both sides, which have produced the happiest and most beneficial effects, in contributing to the accomplishment of the great object of general abolition, and more particularly in improving the people of Madagascar in their moral and religious habits, and in laying the most sure foundation for their rapid advancement to ultimate civilization;

Now, with the view of giving still greater force and efficacy to the objects and conditions of the said Treaties, and of for ever removing the possibility of the revival of a Traffic which, for centuries, was the scourge of that vast, fertile, and populous island; it is agreed between Sir Robert Townshend Farquhar, Baronet; and Fairfax Moresby Esquire, C.B., Captain of His Majesty's ship the "Menai," of the one part; and Rafarolah, Chief of Foule Point, and Jean René, Chief of Tamatave, on behalf of King Radama, of the other part;—

ARTICLE I. That the ships and vessels of His Britannic Majesty and all other British ships and vessels, legally commissioned or deputed for the prevention of the Slave Trade, shall have, and by these presents they have, full power and authority to seize and detain all ships and other vessels, whether of and belonging to the subjects of Madagascar or of any other nation or people whatsoever, which shall be found any harbour, port, roadstead, creek, or river, or on or near the shores and coasts of Madagascar, carrying on the Traffic in Slaves, or aiding or abetting in carrying on such Traffic; and that the said ships, other vessels, when so seized and detained as aforesaid, shall be treated and dealt with as hereinafter mentioned.

II. That all ships and vessels seized and detained as aforesaid, shall be given up and delivered for adjudication to the Chief Commandant of Foule Point, Tamatave, or wheresoever else the said Radama shall appoint a Governor, Commandant, or Special Com-

misioners; for such purpose; on they, the said ships and vessels, shall and may be otherwise dealt with as the laws of Great Britain now or hereafter shall authorize and direct; and that when any such ships or vessels shall be so given up and delivered to any such Governor, Commandant, or Special Commissioner as aforesaid, for adjudication; and lawfully convicted of any offence or fraud against this Treaty and Engagement, or any former Treaty and Engagement made for the abolition of the Slave Trade at Madagascar, such ships or vessels shall be confiscated and forfeited, together with their cargoes, guns, tackle, and furniture, for the benefit of King Radama, to be by him applied as he shall judge fitting.

III. That when any such ships or vessels so seized and detained as aforesaid, shall be found to have on board any persons natives of Madagascar, or of Africa, or of any African island, or of any other territory or place whatsoever, who shall have been taken on board and detained, with intent to lead them into Slavery, all such persons shall be dealt with as follows, that is to say: if they shall be natives of Madagascar, they shall be forthwith restored to their own homes and families; and if they shall be natives of any other country, territory, or place, they shall (where it can be conveniently done) be sent and restored to their native countries; or if that shall be found impracticable, or greatly inconvenient, then they shall be enrolled and classed with the corps or body called the "Serundahs," which is a corps or body belonging to the establishment of King Radama, and maintained and provided for by him.

IV. That the Contracting Parties to these presents agree in considering this Additional Treaty as provisional, until ratified and confirmed by His Majesty the King of Great Britain, and Radama, the King of Madagascar.

Done at Tamatave, Madagascar, this 31st day of May, 1823:

(Signed). RAPARAH.  
JN. RENE.

(Signed): R. T. FARQUHAR.  
FAIRFAX MONTGOMERY.

## 23. NEW CESTOS.

*Engagement between Great Britain and New Cestos. Signed at New Cestos, January 11, 1841.*

By an Agreement entered into between Henry F. Seagram, Lieutenant and Commander of Her Britannic Majesty's ship "Termagant," on one side, and King Freeman and Prince Freeman of New Cestos and adjacent country, on the other, it is determined that the Slave Trade is now and for ever abolished.

That any Englishman may settle for the purpose of trade. That the persons and property of all traders are to be protected. That should any difference arise between settlers and natives, it is to be

determined by arbitration; and on no account is an Englishman or other white to be subject to insult or injury while on shore.

That this Agreement does not give the English, or any other foreign Power, any territorial rights in the town of New Cestos, or the country adjacent subject to the above-named King and Prince.

In faith of which we have this day set our hands and seals at New Cestos, this 11th day of January, 1841.

(Signed)

H. F. SEAGRAM,  
*Lieutenant and Commander.*

KING  FREEMAN.  
mark.

GEORGE D. NOBBS,  
*Clerk in Charge.*

PRINCE  FREEMAN.  
mark.

## 24. G A M B I A.

*Engagement between Great Britain and the King of Cartabar.  
Signed at Cartabar, April 23, 1841.*

TREATY between Henry Vere Huntly, Lieutenant-Governor of the British Settlements on the Gambia, and Commander in the Royal Navy, on the part of Her Majesty Victoria the First, Queen of Great Britain and Ireland, and the King of Cartabar.

I. No white persons shall be made Slaves in the Cartabar country in any case; and if any white persons are now Slaves in that country, or shall hereafter be brought into it as Slaves, they shall instantly be delivered into the care of the Lieutenant-Governor of Her Majesty's Settlements on the Gambia.

II. No person, of whatever colour or wherever born, shall be taken out of the Cartabar country as Slaves; and no persons in the Cartabar country shall be in any way concerned in seizing, keeping, or carrying or sending away any persons, for the purpose of their being taken out of the Cartabar country as Slaves; and the King of Cartabar will punish severely all who break this law.

III. The officers of England may seize every vessel or boat of Cartabar found any where, carrying on the Trade in Slaves in the waters of Cartabar; and the vessels and boats so seized shall be taken to English possession, to be tried by English law; and if condemned, along with appurtenances and cargo, be sold, the produce of the sale being equally divided between the Queen of England and the King of Cartabar. The Slaves found on board shall be set free.

IV. English people may freely come into the country of Cartabar and may stay in it, or pass through it; and they shall be treated as friends while in it, and shall receive any supplies there, as may be required. They may freely practise the Christian religion there, as

shall not be harmed or troubled on that account, and they may leave the country when they please.

V. English people may always trade freely with the people of Cartabar, in every article which they may wish either to buy or sell: nor shall any one be prevented from buying or selling any article, nor shall any one be forced to buy or sell anything. And the King of Cartabar agrees to allow all English merchants to enter his territory free of all duty or demand of any kind, so long as the English Government permits the same course with respect to the produce of the Cartabar country, when carried to any of the British settlements on the Gambia.

VI. The paths shall be kept open through the country of Cartabar to other countries, so that English traders may carry goods of all kinds through the Cartabar country to sell them elsewhere; and the traders of other countries may bring their goods through the Cartabar country, to trade with the English people. And the King of Cartabar will not make war upon any other country, unless with the consent of the Lieutenant-Governor of the British settlements on the Gambia.

VII. English people may buy, sell, or hire, lands or houses in the Cartabar country, and their houses shall not be entered without their consent: nor shall their goods be seized nor their persons touched; and the King of Cartabar shall punish all who wrongfully treat the English people in his territory.

VIII. English people must not break the laws of the Cartabar country, and when they do, the King shall send a true account of the matter to the nearest place where there is an English force; and the commandant of such force shall send for the accused English person, in order that he may be tried and disposed of according to the laws of his own country.

IX. If the Cartabar people should take away the property of an English person, or should not pay their just debts to such English person, the King of Cartabar will do all he can to make the Cartabar people return the property and pay the debt; and the English Lieutenant-Governor engages, on the part of Her Majesty the Queen of Great Britain, to act in a reciprocal manner.

X. The Queen of England may appoint an Agent to visit or to reside in the Cartabar country, and this Agent is to watch over the fulfilment of this Treaty; he shall always receive honour and protection in the Cartabar country, and the King will pay attention to what he says. The person and property of this Agent shall be sacred.

XI. The King of Cartabar shall, within forty-eight hours of the date of this Treaty, make a law for carrying the whole of it into effect, and shall proclaim that law; and the King of Cartabar shall put that law into force from that time for ever.

XII. The Queen of England, out of friendship for the King of Cartabar, and because the King of Cartabar has made this Treaty, gives him the following articles:—

One pound No. 2 amber.

Ten gallons of rum.

Seventy-five pounds of tobacco.

Two and a half barrels of gunpowder.

Three fowling-pieces.

Three pieces of blue baft.

Six iron bars.  
 Two pieces of white baft.  
 Two yards scarlet.  
 Two hundred flints.  
 One ounce of coral.  
 One jug of rum.

And the Chief of Cartabar acknowledges he has received, those articles.

And so we, the Lieutenant-Governor of the British settlements on the Gambia, on the part of the Queen of England, and the King of Cartabar, have made this Agreement, and have signed it at Cartabar, this twenty-third day of April, one thousand eight hundred and forty-one. And this Agreement shall stand for ever.

(Signed)

H. V. HUNTRY,  
*Lieut.-Governor.*

<sup>his</sup>  
 NAMA O COOMBA,  
<sup>mark.</sup>  
*King of Cartabar.*

Witnesses:

ALEXANDER FINDLAY,  
*Captain Third West India Regiment, and  
 Commander of McCarthy's Island.*

<sup>his</sup>  
 TAMBA M NENIMA,  
<sup>mark.</sup>  
*Alcaide.*

THOS. CHOWN,  
*J. P.*

W.M. DUNCAN,  
*Staff Ass. Surgeon.*

<sup>his</sup>  
 TAMBA M SABADI,  
<sup>mark.</sup>  
*King's Son.*

### *Two Additional Articles.*

I. THE King of Cartabar, seeing that he is unable of himself to prevent the incursions of neighbouring ill-disposed Chiefs, delighting only in war, and who have heretofore annually ravaged his country, carrying off his people as Slaves, the cattle, and produce, now and for ever places the country of Cartabar under the sole protection of the Sovereign of England; and he begs that Her Majesty Victoria the First, Queen of England, may become, in her own Royal person, and for her heirs and successors, the protecting Sovereign of the Cartabar country; and the King of Cartabar freely cedes for ever to the Queen of England, her heirs and successors, one square mile of land in such part of his country as shall be pointed out by the Lieutenant-Governor of the British settlements on the Gambia, or other officer authorized to do so.

II. The King of Cartabar agrees that he will not enter into any alliance, negotiation, or communication of any political nature whatever with any Power in the world, without the knowledge and consent

of the Queen of England; and the King of Cartabar declares the whole of the annexed Treaty, and these two Additional Articles, to be binding equally to himself as to his heirs and successors for ever.

Done at Cartabar, twenty-third of April, one thousand eight hundred and forty-one.

(Signed)

H. V. HUNTRY,  
Lieutenant-Governor.

his  
NAMA O COOMBA,  
mark.  
*King of Cartabar.*

Witnesses:

ALEXANDER FINDLAY.

THOS. CHOWN,  
J. P.

TAMBA NENIMA,  
mark.  
*Alexide.*

his  
TAMBA SABADI,  
mark.  
*King's Son.*

W.M. DUNCAN,  
Staff Ass. Surgeon.

## 25. CAMEROONS.

*Engagement between Great Britain and King Bell, of Bell's Town, Cameroons. Signed at Bell's Town, Cameroons River, May 7, 1841.*

WILLIAM SIMPSON BLOUNT, Esquire, Lieutenant commanding Her Britannic Majesty's steam-vessel "Pluto," on the part of Her Majesty the Queen of England, and King Bell, of Bell's Town, Cameroons,—

Have agreed upon the following Articles and Conditions:—

I. It is agreed, and the two Contracting Parties hereby covenant and agree, that, from the date of this Treaty, there shall be an entire cessation and extinction, through the territory of King Bell, and wherever his influence can extend, of the sale or transfer of Slaves, or other persons whatever, to be removed from off the territory of King Bell, into any country, island, or dominion of any other Prince or Potentate whatever; and that King Bell will make a proclamation and a law prohibiting all his subjects, or persons depending on him, to sell any Slave to be transported from his territory, or to aid, or abet, or assist, in any such sale, under penalty of severe punishment.

II. King Bell further agrees, that should any Slave-vessels arrive in the river, he will send and inform any of Her Britannic Majesty's cruisers thereof that may be in the neighbourhood.

III. And in consideration of this concession on the part of King Bell, and in full satisfaction for the same, and for the loss of revenue thereby incurred by King Bell, Lieutenant W. S. Blount, on the part of

the Queen of England, does engage, that there shall be paid to King Bell, according to the Treasury letter dated 26th November, 1840, and a Declaration made by Kings Bell and Acqua, on 10th of June, 1840, before Lieutenant R. Levinge, of Her Britannic Majesty's brigantine "Buzzard," and Mr. Lilly, Resident at Cameroons, yearly, for five years, the following articles:—

Sixty muskets	Two puncheons of rum
One hundred pieces of cloth	One scarlet coat with epaulettes
Two barrels of powder	One sword

upon a certificate being received that the said laws and proclamations have been enforced, which shall be signed by King Bell.

Done at the King's House, Bell's Town, Cameroons River, this  
7th day of May, 1841.

Ms  
KING & BELL.  
mark.

(Signed) Witnesses:  
W. S. BLOUNT, Lieutenant and Commander,  
W. DUFFELL, Second Master,  
JAS. PETERS, Assistant Surgeon,  
J. HADDOCK, Clerk in charge. } Her Majesty's  
steam-vessel  
"Pluto."

**A. ASHmall, Supercargo of the "Mansfield."**

*Declaration made by Lieutenant Earle of Her Majesty's Ship "Rapid,"  
to King Bell of the River Cameroon.*

I, LIEUTENANT EDWARD C. EARL, commanding Her Britannic Majesty's brig "Rapid," on the part of Her Majesty the Queen of England, hereby make known to King Bell (with reference to the Treaty for the suppression of the Slave Trade, this day ratified), that should it appear at any time hereafter, from the want of the annual certificate (which King Bell declares he will produce), of no Slave Trade having existed in his territories, or from any other circumstances, that Slave Trade has existed, the presents will in such case be discontinued, and King Bell will incur the severe displeasure of Great Britain, by whom the Slave Trade will be put down by force.

Given on board Her Britannic Majesty's brig "Rapid," in the River Cameroons, April 25, 1842.

(Signed)

**EDWARD C. EARL,**  
*Lieutenant and Commander.*

*Engagement between Great Britain and King Acqua, of Acqua Town, Cameroons. Signed at Acqua Town, Cameroons River, May 7. 1841.*

WILLIAM SIMPSON BLOUNT, Esquire, Lieutenant commanding Her Britannic Majesty's steam- vessel "Pluto," on the part of Her Majesty.

the Queen of England, and King Acqua, of Acqua Town, Cameroons,—

Have agreed upon the following Articles and Conditions:—

I. It is agreed, and the two Contracting Parties hereby covenant and agree, that, from the date of this Treaty, there shall be an entire cessation and extinction through the territory of King Acqua, and wherever his influence can extend, of the sale or transfer of Slaves, or other persons whatever, to be removed from off the territory of King Acqua, into any country, island, or dominion of any other Prince or Potentate whatever; and that King Acqua will make a proclamation and a law prohibiting all his subjects, or persons depending on him, to sell any Slave to be transported from his territory, or to aid, or abet, or assist, in any such sale, under penalty of severe punishment.

II. King Acqua further agrees, that should any Slave-vessels arrive in the river, he will send and inform any of Her Britannic Majesty's cruisers thereof that may be in the neighbourhood.

III. And in consideration of this concession on the part of King Acqua, and in full satisfaction for the same, and for the loss of revenue thereby incurred by King Acqua, Lieutenant W. S. Blount, on the part of the Queen of England, does engage, that there shall be paid to King Acqua, (according to the Treasury letter dated 20th of November, 1840, and Declaration made by Kings Acqua and Bell, on the 10th of June, 1840, before Lieutenant R. Levinge, of Her Britannic Majesty's brigantine "Buzzard," and Mr. Lilly, Resident at Cameroons,) yearly, for five years, the following articles:—

Sixty muskets	Two puncheons of rum
One hundred pieces of cloth	One scarlet coat with epaulettes
Two barrels of powder	One sword

upon a certificate being received that the said laws and proclamations have been enforced, which shall be signed by King Acqua.

Done at the King's House, Acqua Town, Cameroons River, this 7th day of May, 1841.

his  
KING  Acqua.  
mark.

(Signed)

Witnesses:

WILLIAM S. BLOUNT, Lieutenant and Commander,	}	Her Majesty's steam- vessel "Pluto."
W. DUFFELL, Second Master,		
JAS. PETERS, Assistant Surgeon,		
J. HADDOCK, Clerk in charge,		

A. ASHALL, Supercargo of the "Manfield."

Declaration made by Lieutenant Earle of Her Majesty's Ship "Rapid," to King Acqua of the River Cameroons.

I, LIEUTENANT EDWARD EARLE, commanding Her Britannic Majesty's brig "Rapid," on the part of Her Majesty the Queen of England, hereby make known to King Acqua (with reference to the Treaty for the suppression of the Slave Trade, this day ratified), that

should it appear at any time hereafter, from the want of the annual certificate (which King Acqua declares he will produce), of no Slave Trade having existed in his territories, or from any other circumstances, that Slave Trade has existed, the presents will in such case be discontinued, and King Acqua will incur the severe displeasure of Great Britain, by whom the Slave Trade will be put down by force.

Given on board Her Britannic Majesty's brig "Rapid," in the River Cameroons, April 25, 1842.

(Signed)

EDWARD C. EARL,

Lieutenant and Commander.

## 26. N I G E R.

*Engagement between the Queen of Great Britain and Obi Osai,  
Chief of Aboh, (Ebos or Ibu.) Signed off Aboh, August 28,  
1841.*

THERE shall be peace and friendship between the people of Great Britain and the people of Aboh; and the Slave Trade shall be put down for ever in the Aboh country; and the people of Great Britain and the people Aboh shall trade together innocently, justly, kindly, and usefully; and Captain Henry Dundas Trotter, Commander William Allen, Commander Bird Allen, and William Cook, Esquire, Commissioners on the part of the Queen of Great Britain; and Obi Osai, on his own part, and that of his people, as the Chief of the Aboh country, do make the following Agreement for these purposes:—

I. The Slave Trade shall be utterly abolished in the Aboh country, and from the signing of this Agreement no person whatever shall be removed out of the country for the purpose of being treated or dealt with as Slaves; nor shall any persons whatever be allowed to be brought through the country, or any part thereof, for the purpose of being treated or dealt with as Slaves, by way of exportation or otherwise; nor shall any persons whatever be imported into the country for the purpose of being dealt with as Slaves; and no subject of the Aboh country shall be in any way concerned in the exporting or importing Slaves, or carrying on the Slave Trade, either within or without the limits of the country. The Chief promises to inflict reasonable punishment on all his subjects who may break this law.

II. The officers of the Queen of Great Britain may seize every vessel or boat of Aboh, found anywhere carrying on the Trade in Slaves, and may also seize every vessel or boat of other nations with whom a similar agreement has been made, found carrying on the Trade in Slaves in the waters belonging to the Chief of Aboh. Upon such seizure and after regular condemnation, according to the provisions

of this Agreement, the Slaves shall be made free, and the vessels or boats shall be destroyed.

III. That in all cases of the seizure of vessels and boats with the Slaves on board, under the provisions of this Agreement, the said Commissioners or those of them who may be present, and in their absence the commissioned or commanding officer on board the British vessel making the seizure, or any agent authorized for that purpose, shall, in presence of the Chief, or headman appointed by him, make due examination and inquiry into the case, and shall condemn the said vessel or boat with the Slaves on board, if satisfied that the provisions of this Agreement have been thus contravened, or otherwise acquit and restore the same.

IV. That from and after the signing of this Agreement, no person whatever, coming into the country, shall be reduced into Slavery, or treated or used as Slaves. All white persons whatever, and all British subjects of whatever colour, at present detained in Slavery, shall be immediately set free.

V. British people may freely come into the Aboh country, and may stay in it or pass through it; and they shall be treated as friends while in it, and they may leave the country with their property, when they please.

VI. Christians of whatever nation or country, peaceably conducting themselves in the dominions of the Chief of Aboh, shall be left in the free enjoyment and exercise of the Christian religion, and shall not be hindered or molested in their endeavours to teach the same to all persons whatever, willing and desirous to be taught; nor shall any subject of Aboh who may embrace the Christian faith, be, on that account, or on account of the teaching or exercise thereof, molested or troubled in any manner whatsoever.

VII. British people may always trade freely with the people of Aboh, in every article which they may wish to buy or sell; and neither the British people, nor the people of Aboh, shall ever be forced to buy or sell any article, nor shall they be prevented from buying or selling any article with whomsoever they please, and they shall not be compelled to employ an agent; and the customs and dues taken by the Chief of Aboh on British goods sold in the Aboh country, shall in no case be more altogether than one-twentieth part of the goods so imported, or their ascertained value; and there shall be no duty, toll, or custom, levied on goods exported.

VIII. The paths shall be kept open through the Aboh country to other countries, so that British traders may carry goods of all kinds through the Aboh country to sell them elsewhere; and the traders of other countries may bring their goods through the Aboh country to trade with the British people.

IX. British people may buy and sell or hire lands and houses in the Aboh country; and their houses shall not be entered without their consent, nor shall their goods be seized nor their persons touched; and if British people are wronged or ill-treated by the people of Aboh, the Chief of Aboh shall punish those doing such wrong.

X. But the British people must not break the laws of the Aboh country; and when they are accused of breaking the laws, the Chief

may detain the person charged with committing any grievous crime in safe custody, taking care that he be treated with humanity; and shall send a true account of the matter to the nearest place where there is a British force; and the commander of such British force shall send for the British person, who shall be tried according to British law, and shall be punished, if found guilty; and a report of such punishment shall be forwarded to the Chief for his satisfaction.

XI. If the Aboh people should take away the property of a British person, or should not pay their just debts to a British person, the Chief of Aboh shall do all he can to make the Aboh people restore the property and pay the debt; and if a British person shall take away the property of the Aboh people, or shall not pay his just debts to the Aboh people, he shall be subject to the laws of the country for the recovery of the same; provided always that no injury be done to his person. The Chief of Aboh shall make known the fact to the commander of the British force nearest to the Aboh country, or to the resident agent, if there is one; and the British commander or agent, whichever it may be, shall do all he can to make the British person restore the property and pay the debt.

XII. The Queen of Great Britain may appoint an Agent to visit Aboh, or to reside there, in order to watch over the interests of the British people, and to see that this Agreement is fulfilled; and such Agent shall always receive honour and protection in the Aboh country: and the Aboh Chief shall pay attention to what the Agent says; and the person and property of the Agent shall be sacred.

XIII. It is understood that all British vessels or boats are at liberty to navigate the River Niger, and its branches and tributaries, without the payment of any duties, tolls, or customs, whatsoever. The Chief of Aboh promises to use his utmost endeavours to facilitate the conveyance of messengers and despatches to or from British people.

XIV. The power of sanctioning or modifying this Treaty is expressly reserved to Her Majesty the Queen of Great Britain.

XV. Any infringement of this Treaty will subject the Chief of Aboh to the severe displeasure of the Queen of Great Britain, and the loss of the duties herein stipulated for.

XVI. The Chief of Aboh shall, within forty-eight hours of the date of this Agreement, make a law for carrying the whole of it into effect, and shall proclaim that law; and the Chief of Aboh shall put that law in force, from that time for ever.

XVII. The Queen of Great Britain, out of friendship for the Chief of Aboh, and because the Chief of Aboh has made this Agreement, gives him the following articles:—

- One ornamental velvet cap
- One double-barrelled gun, German silver mounted, flint-lock
- One pair of pistols, German silver mounted, flint-lock
- One gilt mounted sabre
- Six yards of cotton velvet
- One piece of maddapolan
- Two pieces of printed Manchester goods
- Half piece of caricature handkerchiefs
- Five yards of superfine scarlet cloth

Five yards of superfine blue cloth  
 Thirty-six bead necklaces of sorts  
 One hundred flints  
 One case, containing razors, knife, and scissors  
 Thirty-two small looking-glasses  
 One large lustering umbrella  
 One telescope  
 One serjeant-major's dress, complete  
 Four red caps  
 Four red jackets, baize  
 Four shirts  
 Four black jacks  
 One and a half piece of Romal handkerchiefs  
 One pewter basin  
 Four brass bracelets, (bangles)  
 One brass snuff-box  
 Two dozen gilt buttons  
 Six large pewter spoons  
 Six small pewter spoons  
 Two brass lamps  
 One padlock  
 Six pocket knives  
 One saw  
 Two pieces of Pondicherry  
 One piece of Nagamapots  
 Two pieces of brawls  
 One piece of Madras handkerchiefs  
 One piece of brown shirting  
 Two pieces of Bejutepants  
 One piece of cotton bandanas  
 One piece of Niccannee  
 One piece of Chillo  
 Six tin horns  
 One Arabic bible  
 One oil press

And the Chief of Aboh hereby acknowledges he has received those articles.

And so we, Captain Henry Dundas Trotter, Commander William Allen, Commander Bird Allen, William Cook, Esquire, and Obi Osai, Chief of Aboh, have made this Agreement, and have signed it on board Her Majesty's steam-vessel "Albert," off Aboh, this twenty-eighth day of August, one thousand eight hundred and forty-one. And this Agreement shall stand for ever.

(Signed)

H. D. TROTTER,  
Commissioner.

<sup>his</sup>  
OBI OSAI,

mark.

Chief of the Aboh Country.

BIRD ALLEN,  
Commissioner.

W. COOK,  
Commissioner.

## Witnesses:

J. O. Mc WILLIAM, M.D.,  
Surgeon.  
JAMES FREDERICK SHÖN,  
Missionary.

ARIBUNDA,  his  
mark. King Obi's  
brother.  
AJEH,  his  
mark.  
CHIKUMA,  his  
mark. King Obi's  
eldest son.

(Signed) W. BOWDEN, Secretary.

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*Additional Article.*

THE Chief of Aboh declares that no human beings are sacrificed on account of religious or other ceremonies or customs, in the Aboh country, and hereby stipulates that he will prevent the introduction of such barbarous and inhuman customs and ceremonies into this country.

And so we, Captain Henry Dundas Trotter, Commander William Allen, Commander Bird Allen, William Cook, Esquire, and Obi Osa, Chief of Aboh, have made this Agreement, and have signed it on board Her Majesty's steam-vessel "Albert," off Aboh, this twenty-eighth day of August, one thousand eight hundred and forty-one. And this Agreement shall stand for ever.

(Signed)

H. D. TROTTER,  
Commissioner.

Obi  OSAI,  
mark.

WILLIAM ALLEN,  
Commissioner.

Chief of the Aboh Country.

BIRD ALLEN,  
Commissioner.

W. COOK,  
Commissioner.

## Witnesses:

J. O. Mc WILLIAM, M.D.,  
Surgeon.  
JAMES FREDERICK SHÖN,  
Missionary.

ARIBUNDA,  his  
mark. King Obi's  
brother.  
AJEH,  his  
mark.  
CHIKUMA,  his  
mark. King Obi's  
eldest son.

(Signed) WILLIAM BOWDEN, Secretary.

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*Engagement between the Queen of Great Britain and Ochijeh, the Attah of the Egarra Country. Signed at Iddak, September 6, 1841.*

THERE shall be peace and friendship between the people of Great Britain and the people of Egarra ; and the Slave Trade shall be put down for ever in the Egarra country ; and the people of Great Britain and the people of Egarra shall trade together innocently, justly, kindly, and usefully ; and Captain Henry Dundas Trotter, Commander William Allen, Commander Bird Allen, and William Cook, Esquire, Commissioners on the part of the Queen of Great Britain ; and Ochijeh, the Attah of Egarra, on his own part and that of his people, do make the following Agreement for these purposes :—

I. The Slave Trade shall be utterly abolished in the Egarra country, and from the signing of this Agreement, no persons whatever shall be removed out of the country for the purpose of being treated or dealt with as Slaves ; nor shall any persons whatever be allowed to be brought through the country, or any part thereof, for the purpose of being treated or dealt with as Slaves, by way of exportation or otherwise ; nor shall any persons whatever be imported into the country for the purpose of being dealt with as Slaves ; and no subject of the Egarra country shall be in anyway concerned in the exporting and importing Slaves, or carrying on the Slave Trade, either within or without the limits of the country. The Chief promises to inflict reasonable punishment on all his subjects who may break this law.

II. The officers of the Queen of Great Britain may seize every vessel or boat of Egarra found anywhere carrying on the Trade in Slaves, and may also seize every vessel or boat of other nations with whom a similar Agreement has been made, found carrying on the Trade in Slaves in the waters belonging to the Chief of Egarra ; upon which seizure, and after regular condemnation, according to the provisions of this Agreement, the Slaves shall be made free, and the vessels or boats shall be destroyed.

III. That in all cases of the seizure of vessels and boats, with Slaves on board, under the provisions of this Agreement, the said Commissioners, or those of them who may be present, and in their absence, the commissioned or commanding officer on board the British vessel making the seizure, or any agent authorized for that purpose, shall in the presence of the Chief, or headman appointed by him, make due examination and inquiry into the case, and shall condemn the said vessel or boat with the Slaves on board, if satisfied that the provisions of this Agreement have been contravened, or otherwise acquit and restore the same.

IV. That from and after the signing of this Agreement, no persons whatever, coming into the country, shall be reduced into Slavery, or treated or used as Slaves. All white persons whatever, and all British subjects, of whatever colour, at present detained in Slavery, shall be immediately set free.

V. British people may freely come into the Egarra country, and may stay in it, or pass through it ; and they shall be treated as friends while in it, and they may leave the country with their property when they please.

VI. Christians of whatever nation or country, peaceably conducting themselves in the dominions of the Chief of Egarrá, shall be left in the free enjoyment and exercise of the Christian religion, and shall not be hindered or molested in their endeavours to teach the same to all persons whatever willing and desirous to be taught; nor shall any subject of Egarrá, who may embrace the Christian faith, be, on that account, or on account of the teaching or exercise thereof, molested or troubled in any manner whatsoever.

VII. British people may always trade freely with the people of Egarrá, in every article which they may wish to buy or sell; and neither the British people nor the people of Egarrá, shall ever be forced to buy or sell any article, nor shall they be prevented from buying or selling any article with whomever they please, and they shall not be compelled to employ an agent; and the customs and dues taken by the Chief of Egarrá on British goods sold in the Egarrá country, shall, in no case, be more altogether than one-twentieth part of the goods so imported, or their ascertained value; and there shall be no duty, toll, or custom levied on goods exported.

VIII. The paths shall be kept open through the Egarrá country to other countries, so that British traders may carry goods of all kinds, through the Egarrá country, to sell them elsewhere; and the traders of other countries may bring their goods through the Egarrá country, to trade with the British people.

IX. British people may buy and sell or hire lands and houses in the Egarrá country; and their houses shall not be entered without their consent, nor shall their goods be seized, nor their persons touched; and if British people are wronged or ill-treated by the people of Egarrá, the Chief of Egarrá shall punish those doing such wrong.

X. But British people must not break the laws of the Egarrá country; and when they are accused of breaking the laws, the Chief may detain the person charged with committing any grievous crime in safe custody, taking care that he be treated with humanity, and shall send a true account of the matter to the nearest place where there is a British force or authorized agent; and the commander of such British force, or authorized agent, shall send for the British person, who shall be tried according to British law, and shall be punished, if found guilty; and a report of such punishment shall be forwarded to the Chief for his satisfaction.

XI. If the Egarrá people should take away the property of a British person, or should not pay their just debts to a British person, the Chief of Egarrá shall do all he can to make the Egarrá people restore the property and pay the debt; and if a British person should take away the property of the Egarrá people, or shall not pay his just debts to the Egarrá people, he shall be subject to the laws of the country for the recovery of the same; provided always that no injury be done to his person. The Chief of Egarrá shall make known the fact to the commander of the British force nearest to the Egarrá country, or to the resident agent, if there is one; and the British commander or agent, whichever it may be, shall do all he can to make the British person restore the property and pay the debt.

XII. The Queen of Great Britain may appoint an Agent to visit Egarrá, or to reside there, in order to watch over the interests of the

British people, and to see that this Agreement is fulfilled; and such Agent shall always receive honour and protection in the Egarra country: and the Egarra Chief shall pay attention to what the Agent says; and the person and property of the Agent shall be sacred.

XIII. It is understood that all British vessels or boats are at liberty to navigate the River Niger, and its branches and tributaries, without the payment of any duties, tolls, or customs, whatsoever. The Chief of Egarra promises to use his utmost endeavours to facilitate the conveyance of messengers and despatches to or from British people.

XIV. The power of sanctioning or modifying this Treaty is expressly reserved to Her Majesty the Queen of Great Britain.

XV. Any infringement of this Treaty will subject the Chief of Egarra to the severe displeasure of the Queen of Great Britain, and the loss of the duties herein stipulated for.

XVI. The Chief of Egarra shall, within forty-eight hours of the date of this Agreement, make a law for carrying the whole of it into effect, and shall proclaim that law, and the Chief of Egarra shall put that law in force from that time for ever.

XVII. The Queen of Great Britain, out of friendship for the Chief of Egarra, and because the Chief of Egarra has made this Agreement, gives him the following presents:—

- One double-barrelled gun.
- One pair of ornamented pistols.
- One gilt sabre.
- One case, containing scissors, knife, and razors.
- Twelve hatchets.
- Two hand-saws.
- Twelve hoes.
- One silk velvet tobe.
- One printed muslin tobe.
- One velvet cap.
- One pair of silk trowsers.
- One silk waistcoat
- Ten yards of crimson silk.
- Ten yards of merino.
- Five yards of scarlet cloth.
- Five yards of blue cloth.
- Two pieces of printed cotton.
- Four string beads.
- Two cut garnet necklaces.
- Two pairs of bracelets.
- Two bangles.
- One piece of shirting.
- One piece of maddapolan.
- One piece of baft.
- One pair of boots.
- One pair of slippers.
- One large looking-glass.
- Twelve small looking-glasses.
- One elephant gun.
- One drum.

One tambourine.  
 One large silk umbrella.  
 One piece of Turkey red twill.  
 Two pieces of handkerchiefs.  
 One telescope.  
 Twelve padlocks.  
 Two lamps.  
 Twelve snuff-boxes.  
 Twelve coronation medals.  
 Twelve nuptial medals.  
 One piece of muslin, gold and mull.  
 Five ounces of real coral.  
 One quire writing-paper.  
 Twelve spectacles.  
 Two pair of ear-rings.  
 One oil press.

And the Chief of Egarra hereby acknowledges he has received the articles.

And so we, Captain Henry Dundas Trotter, Commander William Allen, Commander Bird Allen, and William Cook, Esquire, on behalf of the Queen of Great Britain, and Ochijeh, the Attah of Egarra, have made this Agreement, and have signed it in triplicate, at Iddah, in the presence of Almighty God, this sixth day of September, in the year of our Lord Jesus Christ one thousand eight hundred and forty-one. And this Agreement shall stand for ever.

(Signed) H. D. TROTTER, *First Commissioner.*  
 WILLIAM ALLEN, *Second Commissioner.*  
 BIRD ALLEN, *Third Commissioner.*  
 W. COOK, *Fourth Commissioner.*

Signed in the presence and with the authority of Ochijeh, Attah of Egarra, by the Judge of Iddah, it being contrary to custom for the Attah to sign any document.

his  
 LABO ☐, *Chief Judge of Iddah*  
 mark.

(Signed)	Witnesses:
HENRY COOK MARSTON, <i>Lieutenant, Her Majesty's    steamer "Wilberforce."</i>	HACKAH, his mark. } <i>Second Judge</i>
W. M. STANGER, M.D., <i>Geologist.</i>	GIBBEREEN, his mark. } <i>Malam.</i>
JOHN FREDERICK SHÖN, <i>Missionary.</i>	
(Signed)	WILLIAM BOWDEN, <i>Secretary.</i>

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*Additional Articles to the Engagement between the Queen of Great Britain and Ireland, and Ochijeh, the Attah of Egarra, signed the 6th of September, 1841.*

I. THAT, from the signing of this Agreement, no human being whatever shall be sacrificed on account of religious or other ceremonies or customs in the Egarra country.

II. The Chief of Egarra sells, and, from this time forward, makes over to the Queen of Great Britain and Ireland, entirely and for ever, all such land and everything in and upon it, as Her Majesty's Commissioners may select, it being understood that the land shall consist of, at least, two portions, one of which shall be situated near, or in the neighbourhood of, the confluence of the Rivers Niger and Tchadda, and the other on an island between Iddah and such place aforesaid, the boundaries thereof to be marked out by the agents sent by the Chief of Egarra for that purpose, who shall be fully authorized by the Chief of Egarra to make over and deliver the said land to Her Majesty's Commissioners, in the same manner as if the Chief of Egarra were himself present. And the British people may erect forts wherever they please, upon the same; the said land to be held by the Queen of Great Britain and Ireland, free of all claims to future tribute, toll, or taxation, of any kind whatever, in consideration of which, seven hundred thousand cowries, or goods to that amount, will be given to the Chief of Egarra, one-fifth part of which shall be paid to the agent as security for the purchase, as soon as the said land shall be delivered over to the said Commissioners. And the Queen of Great Britain shall, after her people have had possession of the said land twelve months, in case they wish to keep the same, pay to the Attah of Egarra the remainder of the price above stated, either at once or in annual instalments, not exceeding five, as most convenient to the Queen; and when the land, according to this Agreement, has been delivered over to the British people, the same shall remain the property of the Queen of Great Britain, to all intents and purposes, for ever.

III. It is also agreed, and hereby declared, that the Queen of Great Britain, her heirs or successors, have the power of assuming sovereignty over the land to be purchased according to the last Article; and it is hereby stipulated, that such sovereignty shall commence on the part of Great Britain, from the day on which the Queen, her heirs or successors, may determine to accept it, provided that it shall be so accepted within five years from the date hereof.

The present Additional Articles shall have the same force and effect as if they were inserted word for word in the Treaty signed at Iddah, this sixth day of September, one thousand eight hundred and forty-one.

Done at Iddah, this 6th day of September, 1841.

(Signed)      H. D. TROTTER, *First Commissioner.*  
                  WILLIAM ALLEN, *Second Commissioner.*  
                  BIRD ALLEN, *Third Commissioner.*  
                  W. COOK, *Fourth Commissioner.*

Signed in the presence and with the authority of Ochijeh, Attah of Egarra, by the Judge of Iddah, it being contrary to custom for the Attah to sign any document.

LABO  <sup>his</sup>  
mark., Chief Judge of Iddah.

<b>(Signed)</b>	<b>Witnesses:</b>
HENRY COOK MARSTON, <i>Lieutenant, Her Majesty's steamer "Wilberforce."</i>	HACKAH,  <sup>his</sup> mark. } Second Judge.
WM. STANGER, M.D., <i>Geologist.</i>	GIBBEREEN,  <sup>his</sup> mark. } Malam.
JAMES FREDERICK SHÖN, <i>Missionary.</i>	

(Signed) WILLIAM BOWDEN, *Secretary.*

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## 27. OLD CALEBAR.

*Engagement between Great Britain and Eyo, King of Creek Town, Calebar. Signed at Creek Town, Old Calebar River, December 6, 1841.*

WILLIAM SIMPSON BLOUNT, Esquire, Lieutenant commanding Her Britannic Majesty's steam-vessel "Pluto," on the part of Her Majesty the Queen of England; and Eyo, King of Creek Town, Calebar River, on the part of himself, his heirs, and successors,—

Have agreed upon the following Articles and Conditions:—

I. It is agreed, and the two Contracting Parties hereby covenant and agree, that from the date of this Treaty, there shall be an entire cessation and extinction for ever, throughout the territory of King Eyo, and wherever his influence can extend, of the sale or export of Slave or other persons whatever, to be removed from off his territory into any foreign island, country, or dominion, and that King Eyo will make a proclamation and a law prohibiting all his subjects, or persons within his jurisdiction, to sell any Slave or Slaves, to be transported from his territory, or to aid, abet, or assist in any way, such sale, under penalty of severe punishment, and stopping the whole trade of the river.

II. King Eyo further agrees, that should any Slave-vessel be in the river, he will inform any of Her Britannic Majesty's vessels that may be in the neighbourhood.

III. And in consideration of this concession on the part of King Eyo, and in full satisfaction for the same, and for the loss of slaves thereby incurred by King Eyo, Lieutenant Blount, on the part of the Queen of England, does engage, that there shall be paid to King Eyo yearly, for five years, from the ratification and approval of this Treaty the following, viz.,—

Two Thousand Dollars (Spanish),  
upon a certificate being received, that the said laws and proclamations

have been enforced, which shall be signed by King Eyo and the masters of any British merchant-vessels there may be in the river at the time.

Done at the King's House, Creek Town, Old Caleb River, the 6th day of December, 1841.

(Signed) KING EYO.  
W. S. BLOUNT,  
*Lieutenant Commanding.*

(Signed) Witnesses:  
JOHN LILLEY, *Resident at Cameroons.*  
J. MC PHERSON, *Master of Brig "Mary Ann Peters."*  
R. M. PORTER, *Barque "Captain Ross."*  
J. M. KENTY, *Brig "Satisfaction."*  
W. B. DISMELLY, *Schip "Triton."*  
J. HADDOCK, *Clerk in charge Her Majesty's Steam-Vessel "Pluto."*

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*Additional Articles to Engagement concluded on the 6th day of December, 1841, between Commander W. S. Blount, of Her Majesty's Steam-Vessel "Pluto," and King Eyo, of Creek Town, Caleb River.*

THE following Articles are this day added to the foregoing Treaty, and agreed upon between George Raymond, Esq., Lieutenant commanding Her Britannic Majesty's brigantine "Spy," on the part of Her Majesty the Queen of England, and Eyo, King of Creek Town, Caleb River, on the part of himself, his heirs and successors:—

IV. That that part of the foregoing Article, No. 3, stipulating the payment of "two thousand dollars (Spanish)" shall be cancelled, and in lieu thereof the following terms be substituted: viz., "Goods to the amount of two thousand dollars (Spanish);;" and that the remainder of the said Article, together with the two preceding it, shall continue the same to all intents and purposes.

V. That if at any time it shall appear that Slave Trade has been carried on through or from any of the dominions of the said Eyo, King of Creek Town, Caleb River, his heirs or successors, that Great Britain shall be at liberty to put down the Slave Trade of that country by force.

Done on board Her Majesty's brig "Spy," River Town, Caleb, 10th November, 1842.

(Signed) KING EYO HONESTY.  
GEORGE RAYMOND,  
*Lieutenant and Commander  
of Her Majesty's Brig "Spy."*

Witnesses:

(Signed) W. S. BLYTH, MR. YOUNG,  
*Supercargo, "Majestic,"* King Eyamba Brother.  
*of Liverpool.*

W. W. WALTERS, FRANCIS W. COLE,  
*Master of the ship "Majestic,"* Clerk in Charge Her Ma-  
*of Liverpool.* jesty's Brig "Spy."

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*Engagement between Great Britain and Eyamba, King of Calabar.  
Signed at Calebar Town, Old Calebar River, December 6,  
1841.*

WILLIAM SIMPSON BLOUNT, Esquire, Lieutenant commanding Her Britannic Majesty's steam-vessel "Pluto," on the part of Her Majesty the Queen of England; and Eyamba, King of Calebar, on the part of himself, his heirs, and successors,—

Have agreed upon the following Articles and Conditions:—

I. It is agreed, and the two Contracting Parties hereby covenant and agree, that from the date of this Treaty, there shall be an entire cessation and extinction for ever, throughout the territory of King Eyamba, and wherever his influence can extend, of the sale or export of Slaves, or other persons whatever, to be removed from off his territory into any foreign island, country, or dominion; and that King Eyamba will make a proclamation and a law prohibiting all his subjects, or persons within his jurisdiction, to sell any Slave or Slave to be transported from this territory, or to aid, abet, or assist in any way such sale, under penalty of severe punishment, and stopping the whole trade of the river.

II. King Eyamba further agrees, that should any Slave-vessels be in the river, he will inform any of Her Britannic Majesty's vessels that may be in the neighbourhood.

III. And in consideration of this concession on the part of King Eyamba, and in full satisfaction for the same, and for the loss of revenue thereby incurred by King Eyamba, Lieutenant Blount, on the part of the Queen of England, does engage that there shall be paid to King Eyamba, yearly, for five years, from the ratification and approval of this Treaty, the following, viz.—

Two Thousand Dollars (Spanish), upon a certificate being received that the said laws and proclamation have been enforced, which shall be signed by King Eyamba and the masters of any British merchant-vessels that may be in the river at the time.

Done at the King's House, Calebar Town, Old Calebar River, the 6th day of December, 1841.

(Signed)                   KING EYAMBA.  
W. S. BLOUNT,  
*Lieutenant Commanding.*

(Signed)                   Witnesses:

JOHN LILLEY, *Resident at Cameroons.*

J. MC PHERSON, *Master, Brig "Mary Ann Peters."*

R. M. PORTER, *Barque, "Captain Ross."*

J. M. KENTY, *Brig "Satisfaction."*

W. B. DISHLEY, *Schip "Triton."*

J. HADDOCK, *Clerk in charge, Her Majesty's Steam-vessel "Pluto."*

*Additional Articles to Engagement between Great Britain and Eyamba,  
King of Calebar.*

THE following Articles are this day added to the foregoing Treaty, and agreed upon between George Raymond, Esq., Lieutenant commanding Her Britannic Majesty's brigantine "Spy," on the part of Her Majesty the Queen of England, and Eyamba, King of Calebar, on the part of himself, his heirs and successors:—

IV. That that part of the foregoing Article, No. 3, stipulating the payment of "two thousand dollars (Spanish)" shall be cancelled, and in lieu thereof the following terms be substituted: viz., "Goods to the amount of two thousand dollars (Spanish); and that the remainder of the said Article, together with the two preceding it, shall continue the same to all intents and purposes.

V. That if at any future time it shall appear that Slave Trade has been carried on through or from any of the dominions of the said Eyamba, King of Calebar, his heirs or successors, that Great Britain shall be at liberty to put down the Slave Trade of that country by force.

Done on board Her Majesty's brig "Spy," River Town, Calebar, 20th November, 1842.

(Signed) KING EYAMBA V.,  
*King of all Blackman.*

GEORGE RAYMOND,  
*Lieutenant and Commander  
of Her Majesty's Brig "Spy."*

Witnesses:

(Signed) W. S. BLYTH, (Signed) W. W. WALTERS,  
*Supercargo, "Majestic,"* *Master of the ship "Majestic,"*  
*of Liverpool.* *of Liverpool.*

MR. YOUNG,  
*King Eyamba Brother.*

FRANCIS W. COLE,  
*Clerk in charge of Her Ma-  
jesty's Brig "Spy."*

## Form No. 1.

CERTIFICATE to be delivered to the Master of a Vessel when  
the Search is made by the Commander of Her Majesty's  
Ship in person.

To the Master of the vessel to be searched.

I, \_\_\_\_\_ holding the rank of \_\_\_\_\_  
in Her Britannic Majesty's Navy, and commanding  
Her Majesty's ship \_\_\_\_\_ being duly authorized to  
carry into effect the \_\_\_\_\_ between Great Britain  
and \_\_\_\_\_ dated the \_\_\_\_\_ do hereby  
certify, that the only object of searching this vessel is to  
ascertain whether she is engaged in Slave Trade, in violation  
of the above \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(Signed) \_\_\_\_\_

Commanding Her Majesty's Ship \_\_\_\_\_

This Certificate is to be delivered before the search; and  
the Commander is at the same time to exhibit the Documents  
of authority by virtue of which he makes the search.

## Form No. 2.

CERTIFICATE to be delivered to the Master of a Vessel when  
the Search is made by an Officer who is not the Commander  
of Her Majesty's Ship.

To the Master of the vessel to be searched.

I, \_\_\_\_\_ holding the rank of \_\_\_\_\_  
in Her Britannic Majesty's Navy, do hereby certify,  
that I proceed to make this search by order of \_\_\_\_\_  
holding the rank of \_\_\_\_\_ in Her Britannic Majesty's  
Navy, and commanding Her Majesty's ship \_\_\_\_\_  
fully authorized to carry into effect the \_\_\_\_\_ between  
Great Britain and \_\_\_\_\_ dated the \_\_\_\_\_  
and that the only object in searching this vessel is to ascertain  
whether she is engaged in Slave Trade, in violation of  
the above \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(Signed) \_\_\_\_\_

\_\_\_\_\_  
of Her Majesty's Ship \_\_\_\_\_

—  
This Certificate is to be delivered before the search ; and  
the searching Officer is at the same time to exhibit copies of  
the Documents of authority by virtue of which he makes the  
search.

## Form No. 3.

CERTIFICATE to be made out and signed by the Commander of Her Majesty's Ship, or the Officer in charge of the detained Vessel, in case of removal of the Crew, Passengers, or Slaves, and which is to be delivered to the Court before which the Vessel is taken for Adjudication.

\_\_\_\_ of Her Britannic Majesty  
ship \_\_\_\_\_ do hereby certify, that I have  
removed from the \_\_\_\_\_ wherel  
\_\_\_\_\_ is Master.

Here state the  
number of the  
crew, passengers,  
or Slaves, re-  
moved; and  
date, and place,  
and cause of re-  
moval.

Signed this \_\_\_\_\_ day of \_\_\_\_\_

## Form No. 4.

*CERTIFICATE, containing a List of Papers, to be made out in duplicate, one copy to be delivered to the Master of a detained Vessel, as soon as possible after seizure, the other to be delivered to the Court before which the Vessel is taken for adjudication.*

I, THE Undersigned, \_\_\_\_\_ holding the rank of \_\_\_\_\_ in Her Britannic Majesty's Navy, and commanding Her Majesty's ship \_\_\_\_\_ do hereby certify, that on the \_\_\_\_\_ day of \_\_\_\_\_ being in Latitude \_\_\_\_\_ and longitude \_\_\_\_\_ of Greenwich, I seized the \_\_\_\_\_ whereof \_\_\_\_\_ is Master, and that she had on board at time of capture \_\_\_\_\_ Slaves, namely:—

_____	Males.
_____	Females.
_____	Total.
_____	

If no Slaves be  
on board, state  
the fact.

I further certify, that the papers which I have numbered 1 to \_\_\_\_\_ inclusive, are the whole of the documents, letters, and writings, seized on board, which are hereunder specified and described, namely:—

No. 1.  
2.  
3. &c.

Here specify and  
describe the pa-  
pers found on  
board, according  
to the number.

Signed by me, the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Commanding Her Majesty's Ship \_\_\_\_\_

ON DECLARATION TO BE MADE AT TIME OF SEIZURE.

Form No. 5.

DECLARATION to be made by the Commander of Her Majesty's  
Ship at the time of seizure, and delivered to the Court  
before which the Vessel is taken for adjudication.

I, THE Undersigned, \_\_\_\_\_ holding the  
rank of \_\_\_\_\_ in Her Britannic Majesty's Navy,  
and commanding Her Majesty's ship \_\_\_\_\_ duly  
authorized by the \_\_\_\_\_ between Great Britain  
and \_\_\_\_\_ dated the \_\_\_\_\_ for the  
suppression of the Slave Trade, do hereby declare, that on  
the \_\_\_\_\_ day of \_\_\_\_\_ being in Latitude  
\_\_\_\_\_ and longitude \_\_\_\_\_ of Greenwich.  
I seized the \_\_\_\_\_ whereof \_\_\_\_\_  
is Master, for  
having violated the said \_\_\_\_\_ and I  
further declare that the vessel had on board at the time of  
seizure, a crew of \_\_\_\_\_ persons, \_\_\_\_\_  
passengers, and \_\_\_\_\_ Slaves, as follow :—

If no Slaves be  
on board, state  
the fact.

\_\_\_\_\_ Males.  
\_\_\_\_\_ Females.  
\_\_\_\_\_  
Total.  
\_\_\_\_\_

And I do also declare, that I found this vessel in the fol-  
lowing state :—

Here insert any  
particulars wor-  
thy of notice as  
to the state in  
which the vessel  
was found, and  
any facts as to  
the circum-  
stances or causes  
of seizure.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Commanding Her Majesty's Ship \_\_\_\_\_

## Form No. 6.

*FORM OF AFFIDAVIT to be made by the Commander, or Officer in charge of a detained Vessel, on bringing the ship's papers into Court.*

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In the business of the \_\_\_\_\_ vessel \_\_\_\_\_ whereof \_\_\_\_\_ was Master.

Appeared personally \_\_\_\_\_ of Her Britannic Majesty's ship of war \_\_\_\_\_ and made oath, that the documents, letters, and writings, hereunto annexed, marked from No. —— to No. —— inclusive, were to the best of his knowledge and belief, all the papers found on board the said vessel at the time of her seizure: and that *the further documents, letters, and writings, hereunto annexed, marked from No. —— to —— inclusive, were, to the best of his knowledge and belief, all the papers which have since been found on board of the said vessel; and that the said further papers were seized at the dates, and under the circumstances, as follows:*

If no papers are found subsequently to seizure of the vessel, this paragraph to be omitted.

All circumstances attending the finding or delivery up of such further papers are to be fully stated in this Affidavit.

and, lastly, the said deponent maketh oath, that the whole of the said papers, herein referred to and annexed, are now brought and delivered up in the same plight and condition as when received or found by this deponent, without any fraud, addition, subtraction, alteration, or embezzlement whatever, save the numbering and marking thereof.

On the —— day of ——  
the said ——————  
was duly sworn to the truth of this  
Affidavit.

Before me,

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This Affidavit must be signed and sworn to by the Commander of the seizing ship, or the Officer in charge of the detained vessel, before the person duly authorized to administer the oath.

## Form No. 7.

AFFIDAVIT to be made by the Commander of Her Majesty's Ship, or the Officer in charge of the detained Vessel, at the time of bringing the ship's papers into Court, as to any changes which may have taken place subsequent to the period of seizure.

In the business of the \_\_\_\_\_ vessel \_\_\_\_\_ whereof \_\_\_\_\_ is Master.

Appeared personally \_\_\_\_\_ of Her Britannick Majesty's ship \_\_\_\_\_ and made oath, that on the \_\_\_\_\_ day of \_\_\_\_\_

Here state any changes which may have taken place with respect to the vessel, her crew, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in the ship's papers.

On the \_\_\_\_\_ day of \_\_\_\_\_  
the said \_\_\_\_\_  
was duly sworn to the truth of this  
Affidavit.

Before me,

This Affidavit must be signed and sworn to by the Commander of the seizing ship, or the Officer in charge of a detained vessel, before the person duly authorized to administer the oath.

## Form No. 8.

*CERTIFICATE containing a List of Papers, to be made out in duplicate, at the time of seizure, one copy to be retained by the Commander of Her Majesty's ship, the other to be delivered to the Court before which the vessel is taken for adjudication.*

I, THE Undersigned \_\_\_\_\_ holding the rank of \_\_\_\_\_ in Her Britannic Majesty's Navy, and commanding Her Majesty's ship \_\_\_\_\_ do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_ being in latitude \_\_\_\_\_ and longitude \_\_\_\_\_ from Greenwich, I seized the \_\_\_\_\_ whereof \_\_\_\_\_ is Master, and that she had on board at the time of capture \_\_\_\_\_ Slaves, namely:—

\_\_\_\_\_ Males.  
\_\_\_\_\_ Females.  
\_\_\_\_\_ Total.  
\_\_\_\_\_

If no Slaves be  
on board, state  
the fact.

I further certify, that the papers which I have numbered No. 1 to No. \_\_\_\_\_ inclusive, are the whole of the documents, letters, and writings, seized on board, which are hereunder specified and described, namely:—

- No. 1.  
2.  
3. &c.

Here specify and  
describe the pa-  
pers found on  
board, according  
to number.

Signed by me, the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Commanding Her Majesty's ship \_\_\_\_\_  
2 G 2

## Form No. 9.

AUTHENTIC DECLARATION to be made out in duplicates by the Commander of Her Majesty's ship, at the time of seizure, one of which he is to retain, the other is to be delivered to the Court before which the vessel shall be taken for adjudication.

I, THE Undersigned \_\_\_\_\_ holding the rank of \_\_\_\_\_ in Her Britannic Majesty's Navy and commanding Her Majesty's ship \_\_\_\_\_ duly authorized by the \_\_\_\_\_ between Great Britain and \_\_\_\_\_ dated the \_\_\_\_\_ for the suppression of the Slave Trade, & hereby declare, that on the \_\_\_\_\_ day of \_\_\_\_\_ being in latitude \_\_\_\_\_ and longitude \_\_\_\_\_ of Greenwich, I saw the \_\_\_\_\_ whereof \_\_\_\_\_ is made for having violated the said \_\_\_\_\_ and I further declare that the vessel had on board at the time of seizure a crew of \_\_\_\_\_ persons, \_\_\_\_\_ passengers, and \_\_\_\_\_ Slaves, and that the following are the names of the crew & passengers, and the number of the male and female Slaves, viz:

Names of the Crew.	Names of the Passengers.	Number and Sex of Slave.
		Male. Female.
Total.	Total.	Total.

If no Slaves be on board, state the fact.

And I further declare the condition of the Slaves as follows:

Here state the condition of the Slaves found on board.

And I do hereby declare that I found this vessel and cargo in the following state:—

Here insert an exact description of the state of the vessel and her cargo; and any facts as to the circumstances or causes of seizure.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Commanding Her Majesty's ship \_\_\_\_\_

## Form No. 9—continued.

**STATEMENT to be made by the Officer in charge of the vessel, of any changes which may have occurred since the time of capture.**

I, \_\_\_\_\_ holding the rank of \_\_\_\_\_ in Her Britannic Majesty's Navy, being the officer in charge of the \_\_\_\_\_ do hereby declare that the following changes have taken place between the period of detention and the present time:—

Here state any changes which may have taken place with respect to the vessel, her crew, the Slaves, if any, and her cargo, between the period of her detention and the time of delivering in the ship's papers.

## Form No. 10.

**FORM OF AFFIDAVIT to be made by the Commander or Officer  
in charge of a detained vessel, on bringing the ship's  
papers into Court.**

In the business of the \_\_\_\_\_ vessel \_\_\_\_\_  
whereof \_\_\_\_\_ was Master.

Appeared personally \_\_\_\_\_ of  
Her Britannic Majesty's ship of war \_\_\_\_\_ and  
made oath, that the documents, letters, and writings, hereunto  
annexed, marked from No. 1 to No. \_\_\_\_ inclusive, were, to  
the best of his knowledge and belief, all the papers found on  
board of the said vessel, at the time of her seizure; and  
*that the further documents, letters, and writings hereunto annexed, marked from No. \_\_\_\_ to No. \_\_\_\_ inclusive, were, to the best of his knowledge and belief, all the papers which have since been found on board of the said vessel, and that the said further papers were seized at the dates and under the circumstances, as follows:—*

If no papers are  
found subse-  
quently to  
seizure of the  
vessel, this pa-  
rraphar to be  
omitted.

All circum-  
stances attend-  
ing the finding  
or delivery up of  
such further  
papers are to be  
fully stated in  
this Affidavit.

and the said deponent maketh oath, that the whole of the  
said papers herein referred to and annexed, are now brought  
and delivered up in the same plight and condition as when  
received or found by this deponent, without any fraud, addi-  
tion, subdiction, alteration, or embezzlement, whatever, save  
the numbering and marking thereof; lastly, this deponent  
maketh oath that the several documents relating to the cap-  
ture, also hereunto annexed, namely, one of the duplicate  
lists of papers, one of the duplicate declarations with the  
statement of changes added thereto, and the certificate of  
removals (if any have taken place), are, to the best of his  
knowledge and belief, true and genuine.

On the \_\_\_\_\_ day of \_\_\_\_\_  
the said \_\_\_\_\_  
was duly sworn to the truth of this  
Affidavit. }  
Before me,

This Affidavit must be signed and sworn to by the Com-  
mander of the seizing ship or the Officer in charge of the  
detained vessel, before the person duly authorized to ad-  
minister the oath.

## Form No. 11.

*AUTHENTIC DECLARATION to be made by the Commander of Her Majesty's Ship at the time of seizure, and delivered to the Court before which a Mexican vessel is taken for adjudication.*

MEXICO.

I, THE Undersigned \_\_\_\_\_ holding the rank of \_\_\_\_\_ in Her Britannic Majesty's Navy, and commanding Her Majesty's ship \_\_\_\_\_ duly authorized by the \_\_\_\_\_ between Great Britain and \_\_\_\_\_ dated the \_\_\_\_\_ for the suppression of the Slave Trade, do hereby declare, that on the \_\_\_\_\_ day of \_\_\_\_\_ being in latitude \_\_\_\_\_ and longitude \_\_\_\_\_ of Greenwich, I seized the \_\_\_\_\_ whereof \_\_\_\_\_ is Master, for having violated the said \_\_\_\_\_ and I further declare that the vessel had on board at the time of seizure a crew of \_\_\_\_\_ persons, \_\_\_\_\_ passengers, and \_\_\_\_\_ Slaves, as follows :—

_____	Males.
_____	Females.
_____	Total.
_____	

If no Slaves be  
on board, state  
the fact.

And I do also declare, that I found this vessel in the following state :—

Here insert any particulars worthy of notice as to the state in which the vessel was found, and any facts as to the circumstances or causes of seizure.

And that I did remove

Here state the place where the Slaves have been landed, and also the reasons for conveying them to such place.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_

Commanding Her Majesty's ship \_\_\_\_\_

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